



THE
LAWS
OF THE
General Assembly
OF
NORTH-CAROLINA,
PASSED IN THE YEAR 1811.

Transmitted by order of the General Assembly, to

The Clerk of the County Court

~~One of the Justices of the Peace for the county of~~

Pergumans



RALEIGH,

PRINTED BY T. HENDERSON, STATE PRINTER.

1812.

L A W S

OF

NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at RALEIGH, on the Eighteenth Day of November, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of said State. 1811.

WILLIAM HAWKINS, ESQUIRE, GOVERNOR.

CHAPTER I.

An Act in addition to the Act, entitled "An Act to redeem the Paper Currency now in circulation, and to establish a Bank by the name and title of the State Bank of North-Carolina," passed in the year one thousand eight hundred and ten.

WHEREAS the subscriptions to the capital stock of the State Bank of North-Carolina, have fallen short of the sum authorized to be subscribed thereto by the above recited act, and it becomes necessary in consequence thereof, to modify the conditions upon which by the said Act, the Charter of Incorporation was granted, in order to enable the State, through the agency of the Bank, to effect one of the principal objects had in view in its establishment, the redemption of the Paper Currency :

Preamble.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the President and Directors of the State Bank of North-Carolina shall not be bound to pay to the State full dividends upon the whole sum of two hundred and fifty thousand dollars of the stock of the said Bank, reserved by the above recited Act to the use of the State, and upon which by the said act the state is entitled to full dividends; but it is hereby declared to be lawful for the said President and Directors, out of the full dividends to be declared on the said sum of two hundred and fifty thousand dollars held by the State in their stock, to retain at the end of each year, for the general benefit of the Stockholders, including the State, a sum equal to four per centum, upon such part of the said stock as shall not have been actually paid for by the State on the day when the dividend is declared, out of which the retainer is made.

Four per cent. reserved out of dividends on unpaid shares of the State.

II: And as an additional consideration on which to engage the agency of the Bank in the redemption of the Paper Money of the State, *Be it further enacted,* That on condition the President and Directors of the said Bank shall take up and entirely withdraw from circulation, in the manner herein after prescribed, the whole of the Paper Money issued by the State, by virtue of the Acts passed for the purpose in the year one thousand seven hundred and eighty three, and one thousand seven hundred and eighty-five, on or before the eighteenth day of December one thousand eight hundred and seventeen, and not permit the same, nor any part thereof to return again into circulation, after having once been in their possession, either by payments made, or to be made on account of the fourth instalment of the capital stock of the said Bank, or in any other manner whatever; it is hereby declared that the Charter of Incorporation of the said Bank shall be extended until the first day of January which shall happen in the year one thousand eight hundred and thirty-five, upon the same terms as the said Charter is now held, and with the same engagement on the part of the State that no other Bank shall be established by any future law of the State during the term of this extension; and the faith of the State is hereby pledged, as a further consideration for the said redemption, that no tax nor imposition shall be laid on the capital stock of the said Bank, nor on the dividends to be declared thereon.

Charter extended, in case the Bank takes up the Paper Currency.

No other bank shall be established during this extension, and no tax laid on the stock or dividends.

III. *And be it further enacted,* That in order to the complete performance of the condition on which the grant and exemption in the next preceding section are made in favour of the Stockholders of the said Bank, it shall be the duty of the President

1811.

Paper Money
to be redeemed
by the bank.

and Directors of the said Bank to cause public notice to be given by advertisement in all the Papers published in the City of Raleigh, for six weeks next immediately preceding the eighteenth day of December, in the year one thousand eight hundred and sixteen, that they will for the term of one year, commencing on that day and following next thereafter, take up and exchange all the Paper Currency of the State which shall be presented for the purpose of being taken up and exchanged, at the Principal Bank or any of its Branches, by giving in exchange therefor in the Notes of the said Bank, or gold or silver, at the option of the holder of the paper money, the full sum to which the Paper Money so to be presented shall amount after the rate of one dollar for ten shillings of the said Paper Money: And it shall further be the duty of the said President and Directors, actually to take up all the Paper Money of the State, which shall within the said term of one year be presented for exchange as aforesaid, and to give in exchange therefor, in the notes of the said Bank, or in gold or silver, at the option of the holder of the Paper Money, after the rate of one dollar for ten shillings of the Money to be presented for exchange as aforesaid; and upon its being made to appear to the satisfaction of the Governor of the State, by the said President and Directors, at any time within six months after the eighteenth day of December, which shall happen in the year one thousand eight hundred and seventeen, that the said President and Directors have faithfully complied with the preceding terms, and have given the required notices, at the times and in the manner above prescribed, and have actually exchanged for and taken in, all the Paper Money of the State, which shall have been presented to the said Bank, or any of its Branches, in pursuance of the notices above prescribed, and faithfully paid therefor, in the manner and after the rate also above prescribed, it shall be lawful for the Governor of the State, to make known the same by proclamation, and in the said Proclamation to declare, that the said Paper Money shall thenceforward cease to be a tender: And it is hereby further declared, that on the date of the said proclamation, the said Paper Money shall cease to be a tender in all cases whatever, except in payments to be thereafter made to the said State Bank of North-Carolina--in all which payments to the said Bank, it is hereby declared it shall thereafter be a tender; and when received by the said Bank, shall not again return into circulation by any means whatever, but remain in its vaults until redeemed and destroyed in the manner hereinafter prescribed: *Provided always*, That if the fund established for the redemption of the said Paper Money, shall not effect the entire redemption thereof before the Charter of the said Bank shall expire, or by common consent of the Stockholders, or otherwise, be dissolved, then and in that case, the said Paper Money shall again be considered as a tender in all payments whatever as heretofore.

Governor to
make Procla-
mation that Pa-
per money will
cease to be a
tender, except
to the bank, af-
ter A. D. 1817.

Proviso in case
of failure.

Dividends ac-
cruing to the
State, applied
to the redemp-
tion of the Pa-
per money.

IV. *And be it further enacted*, That the Dividends accruing upon the whole sum reserved and held by the State, in the Stock of the said Bank, after deducting therefrom four per centum per annum, on the amount of the said Stock, not paid for by the State, (in the manner prescribed in the first section of this act) shall invariably and from time to time, as the said Dividend shall be declared and paid, be applied to the redemption of the Paper Money remaining in the vaults of the Bank; which Paper Money, when so redeemed and actually paid over to the State, or its agent, the Public Treasurer, shall by the said Treasurer, in the presence of the Comptroller and Secretary of State, and also in the presence of the President of the Bank, be burnt and destroyed.

Books to be
opened for fur-
ther subscrip-
tions.

V. *And be it further enacted by the authority of the same*, That the President and Directors of the State Bank of North-Carolina, at such time or times as shall be convenient to them, and under the direction of such persons as they may appoint, shall cause Books to be opened, at all or any of the places where, by the Act of Incorporation, Books were directed to be opened, for the purpose of receiving further subscriptions to the Capital Stock of the said Bank; and if subscriptions shall not have been made to the full amount of said Capital Stock, previous to the first day of January, one thousand eight hundred and twenty, then and in that case, it shall be the duty of the said President and Directors, forthwith to cause Books to be again opened as aforesaid, for the purpose of receiving subscriptions to the Capital Stock of the said Bank, to the full amount authorised by their Charter; which Books shall be kept open six months, or until the whole of the said Stock shall be subscribed: And if it shall happen, when the Books shall be opened as aforesaid, that a greater sum shall be subscribed at any place than is permitted by the Charter to be employed at such place, it shall be lawful for the President and Directors to reduce such subscriptions, according to a scale by them to be established for the purpose.

Treasurer au-
thorized to de-
posit the public

VI. *And be it further enacted*, That it shall be lawful for the Public Treasurer to cause to be deposited in the Bank, the mone which may at any time be in the

Treasury of the State; and when deposits shall be made in the notes of the New-Bern or Cape-Fear Banks, or of any other Bank; it shall be lawful for the State Bank to answer the checks or drafts to be made upon such deposits, by re-paying the notes actually deposited, or by notes of the State Bank, at the option of the Directors.

1811.

money in the Bank.

Public Treasurer appointed a Director.

VII. *And be it further enacted*, That in addition to the number of Directors required for the Principal Bank, by the act to which this is an addition, the Public Treasurer of the State shall, *ex officio*, be a Director of the Principal Bank.

VIII. *And be it further enacted by the authority aforesaid*, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting, any bill or note, in imitation of, or purporting to be a bill or note issued by order of the President and Directors of the State Bank of North-Carolina, or any order or check on the said Bank or Corporation, or any Cashier thereof, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any bill or note issued by order of the President and Directors of the State Bank of North-Carolina, or any order or check on the said Bank or Corporation, or any Cashier thereof; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any false, forged or counterfeited bill or note; purporting to be a bill or note issued by order of the President and Directors of the State Bank of North-Carolina, or any false, forged or counterfeited order or check upon the said Bank or Corporation, or any Cashier thereof, knowing the same to be falsely forged or counterfeited; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any falsely altered bill or note, issued by order of the President and Directors of the State Bank of North-Carolina, or any falsely altered order or check on the said Bank or Corporation, or any Cashier thereof, knowing the same to be falsely altered with intention to defraud the said Corporation or any other Body Politic or Person, every such Person shall be deemed and adjudged guilty of felony; and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labour for a period not less than three years, nor more than ten years; or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars: and the operation of this section shall be without limitation of time.

Punishment for counterfeiting or altering or passing or attempting to pass notes or checks.

IX. *And be it further enacted*, That the twelfth section of the above recited Act shall be, and the same is hereby repealed.

12th Sec. former act repealed.

X. *And be it further enacted*, That this act shall take effect and be in force from and after the passing thereof.

Read three times, and ratified in General Assembly, the 21st day of December, A. D. 1811.

JOSEPH RIDDICK, Speaker of the Senate.

JOHN STEELE, Speaker of the House of Commons.

A Copy, WILLIAM HILL, Secretary.

CHAP. II.

An Act to amend an Act, entitled "An Act to regulate the inspection of Flour in this State," passed in the year one thousand eight hundred and ten.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That whenever any person may think himself aggrieved by the improper decision of any Inspector of Flour within this State, it shall be lawful for the owner thereof, or his agent, to secure it for further examination, which examination he shall cause to be made within sixty days thereof, by applying to a Justice of the Peace, whose duty it shall be to issue a warrant directed to three indifferent persons well skilled in the manufacture of Flour; one of whom shall be named by the owner or possessor of the Flour, one by the Inspector, and the third by the Magistrate; which said three persons, having first taken the oath or affirmation in the before recited act, directed to be taken by the Inspector, shall proceed carefully to view and examine the said Flour; and if they, or any two of them, shall differ in opinion with the Inspector, as to the quality of said Flour, it shall be the duty of the Inspector to brand and mark the same according to their judgment, and moreover shall pay all costs attending the said examination; but if they shall be of opinion that the judgment of the Inspector is correct, the owner or possessor of said Flour shall pay costs.

Owners of flour permitted to have it re-examined.

Who shall pay the cost of re-examining.

II. *And be it further enacted*, That each Inspector, appointed agreeable to the before recited act, shall have and receive from the owner or owners of all Flour by him inspected, the sum of three cents for each cask, and no more; and for cooping, at the rate of three cents for each hoop necessarily furnished.

Inspector's fees.

III. *And be it further enacted*, That if the quantity of Flour brought to any place of inspection within this State, should at any time be so great that the Inspec-

78789

1811. or cannot examine the same with sufficient dispatch; or if by reason of sickness he should be incapable of discharging the duties of his office, in such cases it shall be lawful for him to appoint one or more persons of good repute and skill in the quality of Flour, to assist him in the execution of his office: such assistants having taken the oath or affirmation prescribed by the before recited act, shall be authorised to inspect and brand Flour in the same manner as the Inspector himself might do; *Provided*, that the said Inspector shall be liable for all misconduct in office of his said deputies, and for costs in case of appeal as aforesaid.

Inspector authorised to appoint assistants in certain cases. Penalty of \$5 each barrel for exporting un-inspected flour.

IV. *And be it further enacted*, That if any master, owner or commander of any ship, vessel, boat or craft, shall receive any barrel or barrels of Flour on board his ship, vessel, boat or craft, for exportation or transportation from one town or port, being a place of inspection, to another, which is not inspected, approved and branded, as in the said act is directed, shall forfeit and pay the sum of five dollars for each and every cask so received, recoverable in an action of debt before any jurisdiction having cognizance thereof, to the use of the person suing for the same.

Degrees of Flour. V. *And be it further enacted*, That the several degrees of Flour shall in future be distinguished as follows, to wit: Superfine, Fine, Cross-Middling, Middling and Ship-Staff.

Re-inspection VI. *And be it further enacted*, That any cask of Flour which has been inspected and branded at any one place of inspection in this State, shall not be subject to re-examination or inspection in another, unless after such inspection it shall have remained for the space of sixty days before it is exported; and in all cases, the certificate of the Inspector shall be conclusive evidence of the time when the Flour was inspected.

Inspectors not to trade in Flour. Penalty 100 pounds. VII. *And be it further enacted*, That no Inspector of Flour within this State, or their deputies, shall directly or indirectly vend, barter, sell, exchange or trade in Flour, bread or other articles made of Flour, under the penalty of one hundred pounds, to be recovered by action of debt, bill, plaint or information, by any person who will sue for the same to effect in any Court of Record in this State, the one half to the use of the person so suing, and the other half to be paid to the Treasurer of the State for public use: and every person or persons so offending and thereof convicted, shall be, and they are hereby disabled from acting thereafter in their respective offices.

County Courts to appoint Inspectors. VIII. *And be it further enacted by the authority aforesaid*, That the County Courts in the several Counties in this State, from which Flour is or may be hereafter exported, are hereby authorised and empowered to appoint Inspectors of Flour for exportation; and said Inspectors so appointed, shall be governed by the same rules and regulations, and subject to the same penalties as other Inspectors of Flour are by law.

CHAP. III.

An Act to raise a Revenue for the payment of the Civil List and contingent charges of Government, for the year one thousand eight hundred and twelve.

Tax on lands, town lots and polls. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the year one thousand eight hundred and twelve, a tax of ten pence on every hundred acres of land within this State, and a tax of two shillings and six pence on every hundred pounds value of town lots, with their improvements, as well on those not established by law as those that have been established, and a tax of two shillings and six pence on every poll, shall be levied, collected, and accounted for, in the same manner as such taxes have been heretofore levied, collected and accounted for.

On stud-horses and jacks. II. *And be it further enacted*, That a tax on all stud-horses and jack asses within this State, of the full sum which the owner or keeper of such stud-horse or jack-ass shall ask, demand or receive for the season of one mare, shall be levied, collected and accounted for as above.

Who is subject to pay a poll tax. III. *And be it enacted*, That all free males between the ages of twenty-one years and fifty years, and slaves between the ages of twelve and fifty years, shall be subject to a poll tax: *Provided*, that all slaves be listed in the county wherein they reside, and the tax shall be collected accordingly.

Tax on Pedlars. IV. *And be it enacted*, That each and every person who shall hereafter peddle or hawk goods, wares or merchandize in any of the counties in this State, not of the manufacture of this State or of the United States, shall pay to the Sheriff of each county in which he, she or they may so peddle or hawk goods, the sum of three pounds, and shall obtain a receipt from such Sheriff for the same, which receipt so obtained, shall authorise such person or persons to hawk and peddle goods in such county and no other, for the term of one year; which tax so received by the Sheriff, shall be accounted for by him in like manner as other taxes: And if any per-

son or persons shall hereafter peddle and hawk goods as aforesaid in any county of this State, without having first paid to the Sheriff of such county the aforesaid tax of three pounds; and that all hawkers and pedlers of goods, wares and merchandizes on any navigable stream in this State, shall pay to the Sheriff of each and every county in which they shall so hawk or peddle, the sum of ten dollars, and obtain a receipt for the same; he, she or they so offending, shall forfeit and pay the sum of twenty-five pounds—And the several Sheriffs of this State are hereby authorised and required to collect the same by distress and sale of the goods or property of such delinquent, and the forfeiture or penalty so levied, shall be applied one half to the use of the State, and the other half to the use of the Sheriff who shall collect the same.

1811.

Sheriff to collect said taxes

V. *And be it further enacted*, That all merchants, either wholesale or retail, shall pay a tax, if a wholesale merchant, the sum of six pounds, and if a retailing merchant, the sum of three pounds, on each and every store in this State, at which they shall sell any goods, wares or merchandize to the amount of two hundred pounds in any one year; and all merchants or owners of stores as aforesaid, shall give in his, her or their store or stores, as the case may be, with a list of their taxable property, under the same rules and regulations as other taxable property is given in; which tax shall be levied, collected and accounted for, in the same manner as other taxes are: *Provided always*, that no retailers of spirituous liquors by the small measure, shall be liable to pay in addition to the tax imposed on such retailers, the tax also imposed on stores, unless such retailer shall sell goods, wares or merchandize other than such liquors, to the amount herein before stated.

Tax on wholesale and retail merchants.

VI. *And be it further enacted*, That the owners of billiard-tables shall hereafter give them in at the same time and in the same manner as other taxable property, and they shall be subject to a tax of thirty pounds, to be levied and collected by the Sheriff of the county in which such billiard-table or tables are kept, and to be by him accounted for in like manner as other taxes.

Tax on billiard tables.

CHAP. IV.

An Act to repeal an Act passed in the year one thousand eight hundred and two, entitled "An Act for dividing the State into districts, for the purpose of electing Representatives to Congress;" and an Act passed in the year one thousand eight hundred and three, entitled "An Act directing the manner of appointing Electors to vote for President and Vice-President of the United States."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the before recited acts be and they are hereby repealed and made void.

Former acts repealed.

II. *And be it further enacted*, That it is hereby declared to be the duty of the next General Assembly to elect by joint ballot of both Houses, such number of Electors to vote for President and Vice-President of the United States, as this State may be entitled to, agreeable to the late census of this State.

Electors to vote for President and Vice-President to be elected by the Assembly.

CHAP. V.

An Act further to regulate the Supreme Court.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall not hereafter be lawful for the Clerk of the Supreme Court to make any entry upon the records of the said Court, that any cause depending therein is decided; nor to give to any person or persons whatever, any certificate of such decision; nor to issue execution for the cost in any such suit, until after the Chief Justice, or some Judge or Judges, members of the said Court, shall have delivered publicly and in open Court, the opinion of the said Court, stating at length the ground and argument upon which such opinion shall be founded and supported, and shall have also delivered a written copy of the same opinion to the Clerk, which shall afterwards be filed among the records of the said Court and published in the reports heretofore directed by law to be published, of the decisions made by the said Court.

The Clerk not permitted to make entry on the records, or give certificate or issue execution, until he receives a written opinion from the Court

II. *Be it further enacted*, That the second section of an act passed in the year one thousand eight hundred and eight, entitled "An act to amend the several acts now in force relative to the Supreme Court," be, and the same is hereby repealed and made void.

2d Sec. of former act repealed.

CHAP. VI.

An Act to regulate the proceedings on Presentments or Indictments, in the Superior Courts of Law of this State.

WHEREAS exceptions, in themselves merely formal, are frequently taken against bills of Indictment or Presentment, and they are either quashed or judgment arrested; in consequence of which, the execution of justice is delayed, and many

Preamble.

1811. offenders escape punishment: For remedy whereof,

Bills of Indictment in the Superior Courts not to be quashed for informality, &c.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March next, in all criminal prosecutions, which may be had by Indictment or Pre-sentment, in any of the Superior Courts of Law, it shall be sufficient to all intents and purposes, that the bill shall contain the charge against the criminal, expressed in a plain, intelligible and explicit manner; and that no bill of Indictment or Pre-sentment shall be quashed, or judgment arrested, for or by reason of any informalities or refinements, when there appears to the Court sufficient in the face of the indictment to induce them to proceed to judgment.

CHAP. VII.

An Act in addition to an Act, passed at the last Session of the General Assembly, entitled "An Act to revive and continue in force an Act passed at Raleigh in the year one thousand eight hundred and three," entitled "An Act for establishing a Mutual Insurance Society against Fire on Buildings, Goods and Furniture in this State."

Preamble.

WHEREAS by the above recited act, it is made necessary before the proposed Mutual Insurance Society shall be organized and go into operation, that there shall be received by the Commissioners appointed for the several counties in the State, proposals for insuring a sum exceeding two hundred thousand dollars: And whereas though the subscription at present falls short of that sum, it is represented to this General Assembly, that it might be attended with good effects to the citizens of this State, to carry the said Society into effect with the present subscriptions, and such others as may hereafter be made thereto:

Commissioners authorized to call a meeting of subscribers in order to form a constitution.

BE it enacted by the General Assembly of the State of North-Carolina, That William Boylan, Joseph Gales and William Glendinning, Commissioners appointed by the act aforesaid for the county of Wake, for receiving subscriptions to the said Mutual Insurance Society, be and they are hereby authorized to call a meeting by public advertisement in the Raleigh newspapers of the present subscribers to the said Mutual Insurance Society, and of such others as may hereafter become subscribers thereto, for the purpose of forming a constitution and of organizing the said Society, agreeably to the provisions of the act aforesaid, passed in the year one thousand eight hundred and three, and to an act passed in the year one thousand eight hundred and four, amendatory of the said act, on such day or days, and at such place in the city of Raleigh, as they may deem most convenient; and that such constitution and organization shall be in all respects as valid as if the same had been made at the time and in the manner prescribed by the above-mentioned acts; any thing to the contrary notwithstanding.

CHAP. VIII.

An Act to amend the several Acts of the General Assembly of this State, which prevents any person from holding or exercising any office or appointment under the authority of this State, who holds any office or appointment under the authority of the United States.

Justices of the Peace and Militia officers may hold civil offices under the authority of the U. States.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any Justice of the Peace, or any officer of the militia of this State, who now is or may be hereafter appointed, to accept and exercise any civil office or appointment of profit or trust, under the authority of the United States, the duties of which appointment shall be confined to this State; any law to the contrary notwithstanding.

CHAP. IX.

An Act to amend an Act, entitled "An Act to prevent the exportation of unmerchantable commodities," passed in the year one thousand seven hundred and eighty-four.

Inspectors of ton timber to be appointed by the County Courts.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Justices of the County Courts of Picas and Quarter-Sessions, in and for the several counties recited in the before mentioned act, are hereby authorized and required to nominate and appoint in open Court, one or more fit and proper person or persons residing in said county, to inspect the article of ton timber; and every inspector so appointed, before he enters upon or executes his office, shall enter into bond with good and sufficient security, under the same rules, penalties, regulations and restrictions, as are laid down in the before recited act, and shall be entitled for his services to the sum of ten cents per ton.

Penalty for officiating without appointment.

II. *And be it further enacted,* That if any person shall officiate as inspector of any article mentioned in said act, without being legally qualified, he shall for every offence forfeit and pay the sum of thirty pounds, to be recovered before any jurisdiction having cognizance thereof, to the use of the county in which such person resides.

III. *And be it further enacted*, That this act shall be in force from and after the passing thereof. 1811.

CHAP. X.

An Act more effectually to compel Collectors of Taxes to account for Monies by them received in that capacity.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Deputy-Sheriffs and all other persons that shall hereafter be employed by the Sheriff of any county in this State to collect the public, county and parish Taxes, shall, *before* they enter on the collection of either of the aforesaid Taxes, take an oath in open Court, or before any two Justices of the Peace of the county where such Deputy-Sheriff or Collector may reside, faithfully and honestly to account for all monies that shall or may be received by them in the capacity of Collectors.

Deputy sheriffs and all other collectors of taxes to take an oath before they shall commence collecting.

II. *And be it further enacted by the authority aforesaid*, That all hawkers and pedlers of goods, retailers of goods from on board any vessel, and retailers of spirituous liquors (who shall not have obtained licences from the Court) shall, severally, when they have paid the tax by law on the n respectively imposed, be bound to file or cause to be filed with the Clerk of the County Court of the county in which the tax shall be paid, within thirty days after such payment shall be made, the Sheriff's, Deputy-Sheriff's or other Collector's receipt therefor; and it shall be the duty of the Clerk of the County Court, upon receiving such receipt, to give the person filing the same, an acknowledgment or certificate under his hand and the seal of his Court, that he has received from the person who has paid such tax, or his agent, the Sheriff's, Deputy-Sheriff's, or other Collector's receipt therefor, and therein state particularly for what purpose the said tax shall appear from the receipt so filed to have been paid, and the time when it was paid: And it shall further be the duty of the Clerks of the several counties, to make due return to the Comptroller's office of the amount appearing from the receipts so to be filed with him to have been received by the Sheriff, his Deputies and Collectors, at the same time and under the same regulations and restrictions, as he makes return of the list of taxables within his county.

Pedlers and others required to file Sheriff's receipts, with the Clerk of the County Court.

Clerks to make returns to the Comptroller.

III. *And be it further enacted*, That if any person who shall have paid any of the above-mentioned fines, shall fail or neglect to file or cause to be filed the Sheriff's, Deputy-Sheriff's or other Collector's receipt therefor, as above prescribed, for more than thirty days after he has paid the said tax, he shall be liable to have the same tax again collected from him, and be further liable to such penalties as are or may be prescribed by law for refusing or neglecting to pay in the first instance.

In case of failure to file receipts as above, liable to pay again.

CHAPTER XI.

An Act to provide for the punishment of persons guilty of certain offences therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, if any person or persons shall feloniously steal, take and carry away, or take by robbery, any Bank note, check or order for the payment of money, issued by or drawn on any Bank or other society or corporation within this State, or within any of the United States; or any Treasury warrant, debenture, certificate of stock or other public security; or any order, bill of exchange, bond, promissory note or other obligation either for the payment of money or for the delivery of specific articles, being the property of any other person or persons or of any corporation, (notwithstanding any of the said particulars may be termed in law a chose in action,) such felonious stealing, taking and carrying away or taking by robbery, shall be deemed and construed to be felony of the same nature and in the same degree; and with or without benefit of clergy, in the same manner as it would have been if the offender or offenders had feloniously stolen or taken by robbery, money, goods or property of like value with the money or specific articles due or expressed on the face of such Bank note, check, or order, Treasury warrant, debenture, certificate of stock, public security, order, bill of exchange, bond, promissory note, or other obligation as aforesaid, or secured thereby and remaining unsatisfied: And such offender or offenders, for each and every such offence, being thereof legally convicted, shall suffer such punishment and be subject to the same pains, penalties and disabilities, as he, she or they should or might have suffered, if such offender or offenders had feloniously stolen or taken by robbery, money, goods, or other property of the like value with the money or specific articles due or expressed on the face of such Bank note, check, order, Treasury warrant, debenture, certificate of stock, public security, bill of exchange, bond, promissory note, or other obligation respectively or secured thereby and remaining unsatisfied; any law, usage or custom to the contrary notwithstanding.

Stealing of bank or promissory notes made felony.

h

1811.

II. *Be it further enacted*, That from and after the passing of this act, if any person or persons shall knowingly and designedly, by means of any forged or counterfeit paper, in writing or in print, or by any false token or other false pretence or pretences whatsoever, obtain from any person or persons, or corporation within this State, any money, goods, property or other thing of value, or any Bank note, check, or order for the payment of money issued by or drawn on any Bank or other society or corporation within this State, or any of the United States; or any Treasury warrant, debenture, certificate of stock or other public security; or any order, bill of exchange, bond, promissory note, or other obligation either for the payment of money or for the delivery of specific articles, with intent to cheat or defraud any person or persons, or corporation of the same, shall be held and deemed guilty of fraud and deceit, and being thereof legally convicted in any Court of competent jurisdiction, such offender or offenders shall be punished by fine and imprisonment not exceeding twelve months; putting in the pillory; publick whipping not exceeding thirty-nine lashes on his or her bare back; all or any of them at the discretion of the Court, due regard being had to the nature and circumstances of the offence.

Passing forged notes, checks, &c. deemed a fraud.

Penalty.

III. *Be it further enacted*, That from and after the passing of this act, if any person or persons shall make or cause to be made, any counterfeit similitude or likeness of a Spanish milled dollar, English guinea, or any foreign coin of gold or silver, which is in common use and received in the discharge of contracts by the citizens of this State, or shall utter or pass the same, knowing it to be counterfeit, and shall be legally convicted of either of the said offences in any Superior Court of Law of this State, the person or persons so found guilty, shall on the first conviction, receive thirty-nine lashes on his or her bare back, and on the second conviction of the above described offences, or either of them, shall receive thirty-nine lashes on his or her bare back, and be imprisoned for a length of time not exceeding twelve months, and be branded in the right cheek with the letter C.

Penalty for passing counterfeit gold or silver coin.

IV. *And be it further enacted*, That from and after the passing of this act, if any person or persons shall have in his or their possession, any instrument or instruments for the purpose of making any counterfeit similitude or likeness of a Spanish milled dollar, English guinea, or other foreign coin, made of gold or silver, which is in common use and received in the discharge of contracts by the citizens of this State, and shall be duly convicted thereof in any Superior Court of Law of this State, the person or persons so offending, shall receive thirty-nine lashes on his or their bare back, and be further liable to be fined at the discretion of the Court, in the sum of five hundred dollars, and be imprisoned not more than twelve months.

Punishment for having in possession instruments for making counterfeit money.

CHAP. XII.

An Act to Ratify on behalf of the State of North-Carolina, a proposed amendment of the Constitution of the United States, relative to titles of nobility or honour, presents, pensions, offices or emoluments from any Foreign Power.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the following amendment of the Constitution of the United States, proposed by the Congress of the United States, in the manner prescribed by the fifth article of the Constitution, viz. "If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatsoever, from any Emperor, King, Prince or Foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them," be, and the same is hereby ratified on behalf of the State of North-Carolina, to become when ratified by the Legislatures of three-fourths of the several States, part of the Constitution of the United States.

Amendment to the Constitution of the United States, preventing citizens from accepting titles of nobility, &c.

CHAP. XIII.

An Act to make the stealing of standing or growing Corn, Maize, Cotton and Rice, larceny.

BE it enacted by the General Assembly of the State of North-Carolina, That the stealing or feloniously taking and carrying away any growing standing or ungathered Corn or Maize, Cotton or Rice, shall hereafter be held and deemed larceny; and every person who shall hereafter steal or feloniously take, pluck, sever and carry away, any Corn, Maize, Cotton or Rice, growing, standing or remaining ungathered in any plantation, field or other ground, shall on conviction thereof be deemed guilty of larceny, and suffer punishment as in other cases of larceny.

Stealing standing corn, &c. made larceny

CHAP. XIV.

1811.

An Act making further provisions for perfecting titles to Land within the State of Tennessee.

WHEREAS by the Act of this Legislature, passed in the year one thousand eight hundred and three, entitled "An act to authorize the State of Tennessee to perfect titles to land reserved to this State by the cession act," authority was given by this state, upon condition Congress would assent thereto, to the state of Tennessee to perfect titles to the land lying in that state and reserved to North-Carolina by the said act of cession, under certain limitations: And whereas Congress in giving their assent to the said act by an act passed on the eighteenth of April, in the year one thousand eight hundred and six, entitled "An act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to vacant and unappropriated lands within the same," restrained the exercise of the authority yielded by North-Carolina to Tennessee, to the territory lying on the North and East side of the following line, that is to say: Beginning at the place where the Eastern or main branch of Elk river shall intersect the southern boundary line of the state of Tennessee, from thence running due North until the said line shall intersect the northern or main branch of Duck river, thence down the waters of Duck river to the military boundary line, as established by the seventh section of an act of the state of North-Carolina, entitled "An act for the relief of the officers and soldiers of the continental line, and for other purposes," (passed in the year one thousand seven hundred and eighty three;) thence with the military boundary line West to the place where it intersects the river Tennessee; thence down the waters of the river Tennessee to the place where the same intersects the northern boundary line of the state of Tennessee;—and it has thereby become the duty of North-Carolina in order that justice may be done to the fair claimants under her, to appoint a Surveyor of the lands lying South and West of the said line:

Preamble.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the proper officers of this State shall proceed to perfect titles to all or any part of the land lying South and West of the above described line, for which surveys shall be returned by General Thomas Love, who has been appointed Surveyor of the said land, or by any other Surveyor to be hereafter appointed by this State for the purpose of surveying the said land.

Officers of this state to proceed to perfect titles.

A surveyor appointed who shall make returns, &c.

And be it further enacted, That no assent that may hereafter be given by Congress to the provisions of the act of this General Assembly above recited, passed in the year one thousand eight hundred and three, shall be considered as interfering with this act, or the titles to be perfected under the same.

Assent of Congress not to interfere with this act.

CHAP. XV.

An Act directing to whom the Secretary of State shall issue Military Land Warrants, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall not hereafter be lawful for the Secretary of State to issue any Military Land Warrant except under the following restrictions: 1st. Any person claiming a Military Land Warrant in his own right, shall produce at least one deposition shewing that he is the person entitled to such warrant, together with the certificate of two Justices of the Peace that the deponent is a person of credit; and also the certificate of the Clerk of the court of pleas and quarter-sessions of the county where such Justices reside, certifying that they are acting Justices, with the seal of the Court annexed. 2d. When application is made on behalf of any person claiming to be entitled to a Military Land Warrant, the person so applying, shall, in addition to the evidence above mentioned, also produce a power of attorney from the claimant or claimants, acknowledged by him or them in some Court of Record, or proven by two witnesses at least, with the seal of the Court annexed; a copy of which shall be filed in the Clerk's office, for which the said Clerk shall receive the sum of ten shillings.

Warrants not to be issued except proper credentials are produced.

II. And be it further enacted, That whenever a guardian shall apply for a Military Land Warrant, to which his ward may be entitled, he shall produce from the proper records, a certified copy of his appointment as guardian, signed by the Clerk of the Court wherein he was appointed, with the seal of the Court annexed.

Guardians must produce Certificates.

III. And be it further enacted, That this act shall be in force from and after the passing thereof.

1811.

CHAP. XVI.

An Act to amend the fifth section of an Act, passed anno domini seventeen hundred and ninety-six, entitled "An Act to remedy certain inconveniences under the present Land Laws.

Preamble. WHEREAS it is provided by the before recited Act, that every person claiming Lands in either of the counties of Wilkes, Burke or Buncombe, under colour of an entry made in Washington or Greene, shall, previous to the making of a survey thereof, produce to the Court of the county in which the Land lieth, a majority of the Justices being present, his warrant, and make it appear by his own oath, and other testimony where it can be procured, that the purchase-money for the Land claimed, hath been paid to the Entry taker, and thereupon the warrant shall be countersigned by the Clerk, and thereafter be held a good warrant: And whereas it hath so happened in many instances, that the original claimants are now dead, and of course the requisites of said act cannot be literally complied with. For remedy whereof,

Proof of the payment of the purchase money shall be sufficient. *BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be sufficient in all cases when the before recited original claimants are dead, for their representatives to prove the payment of the purchase-money, by the oath of one or more credible persons; any thing in the before recited act to the contrary notwithstanding.

CHAP. XVII.

An Act to fix the age at which persons shall be capable of disposing of Chattels by will.

Capable at 18 years of age. *BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, no person shall be capable of disposing of Chattels by will, until he or she shall have attained the age of eighteen years. This act shall be in force from and after the passage thereof.

CHAP. XVIII.

An Act declaring that Stills shall be considered as Personal Estate.

Preamble. WHEREAS it has been represented to this General Assembly, that doubts have arisen in some cases, whether Stills erected for the purpose of distilling spirits, should be considered as real or personal estate. For removing such doubts,

Stills made personal property. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Stills erected for the purpose of distilling spirits, shall hereafter be considered as personal estate, to all intents and purposes.

CHAP. XIX.

An Act to regulate the collection of Clerk's and Sheriff's Fees.

Preamble. WHEREAS by the existing laws, the Clerks of the several Courts of Record, Sheriffs, and other officers, are permitted to collect fees due to them upon judgments, rendered at any length of time after the same have accrued: and whereas it frequently happens that improvident persons are compelled to pay the same fees twice, in having by length of time lost all evidence of former payments. For remedy thereof,

Fees to be collected or suits commenced in 3 years. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all fees which now are or hereafter may become due to the Clerk of any Court of Record within this State, or to any Sheriff or other officer, by sentence, judgment or decree of any Court aforesaid, the same shall be collected or suit commenced therefor, within three years from the passing of this act, or within three years from the time of such judgment rendered, without an execution issued thereon, or within three years from the issuing of the last execution, and not after: *Provide nevertheless,* That this act shall not extend to fees which may be due and owing from persons residing out of this State; any law, usage or custom to the contrary notwithstanding.

An Exception

CHAP. XX.

An Act more effectually to compel the Sheriffs of the several Counties within this State, to account with the Wardens of the Poor and Treasurer of their respective Counties, for Taxes on unlisted Property.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, it shall be the duty of the Sheriffs in the several counties in this State, and

they are hereby required to settle with the Wardens of the Poor and the Treasurer of their respective counties, for the taxes on the unlisted property in their said counties, under the same rules, regulations and restrictions, as the said Sheriffs are bound by law to account with the Comptroller of this State; any law, usage or custom to the contrary notwithstanding.

1811.
Sheriffs to account for taxes on unlisted property.

CHAP. XXI.

An Act to amend an Act, passed in the year one thousand seven hundred and ninety-two, entitled "An Act to compel certain officers therein mentioned, to publish the application of the public monies and allowances for insolvents," so far as regards County Trustees.

WHEREAS by the provisions of the before recited act, no more than two hundred pounds can be recovered of any County Trustee, who may fail to account for the monies in his hands, when a much greater sum is in many instances received by persons acting in that capacity. For remedy whereof, Preamble.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of Justices of the Peace, composing the Court of pleas and quarter-sessions in the several counties of this State, at the annual election of a County Trustee, to compel said Trustee at the time of his appointment, to enter into bond with security to the Chairman of the Court, in such sum as the Court may think sufficient to cover all monies which may be paid to the said Trustee for the use of the county. County Trustee required to give bond for as much as he may, probably receive.

II. And be it further enacted, That if any Trustee thus appointed, shall fail or neglect to enter into bond as before directed. his appointment shall be void, and the Court may proceed to a new election—Provided, that this act shall not extend to the county of Rutherford. Appointment to be void in case of failure to give bond.

III. And be it further enacted, That all acts and clauses of acts, coming within the meaning and purview of this act, are hereby repealed and made void. Former acts repealed.

CHAP. XXII.

An Act to revive and continue in force an Act passed in the year one thousand eight hundred and eight, entitled "An Act to amend an Act, passed in the year one thousand eight hundred and four, entitled 'An Act to revive and continue in force the Acts and clauses of Acts heretofore passed, declaring certain entries lapsed, notwithstanding the purchase-money may have been paid, in case they are not surveyed and returned into the Secretary's office within a limited time.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all bona fide entries of Land in this State, which have been paid for as by law directed, shall have until the first day of December, one thousand eight hundred and thirteen, for surveys to be made and returned into the Secretary's office. Time for making surveys extended to Dec. 1813.

II. And be it further enacted, That this act shall be in force from the ratification thereof.

Read three times and ratified in General Assembly, }
the 23d day of December, A. D. 1811.

J. RIDDICK, Speaker of the Senate.

J. STEELE, Speaker of the House of Commons

A Copy, WILLIAM HILL, Secretary.

An Act to open the Navigation of New River, in Onslow county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Christopher Dalley,* Nathaniel Loomis, Lemuel Doty, William Montfort, Edward Ward, jun. Gabriel Hancock, Charles Sneed, John E. Spier,* Daniel Nixon, John Pollock, James Foy, sen. and George W. Nobles, Esquires, be, and they are hereby appointed Commissioners to receive donations and open subscriptions, for the purpose of clearing out New River, from Sneed's Ferry, in Onslow county, to the bar at the mouth of New River inlet in said county: And the said Commissioners, or a majority of them, and their successors in office, are vested with all the powers and authorities necessary to sue for and recover all monies or other property that may be granted to them by gift, or subscribed to them for the purpose of enabling them to clear out said river.

II. *And be it further enacted,* That the Commissioners appointed by this act, shall in open court of the county of Onslow, take the following oath:—"I, A. B. do solemnly swear (or affirm as the case may be) that I will according to the best of my skill and ability, execute the trust reposed in me, and will faithfully appropriate and account for all monies that shall come to my hands by virtue of my appointment of Commissioner for the opening of New River—So help me God."

III. *And be it further enacted,* That in case of refusal, death, removal or resignation of any Commissioner hereby appointed, or who may hereafter be appointed by virtue of this act, the County Court of Onslow at all times shall have full power and authority to fill all such vacancies as may happen by the refusal, removal, death or resignation of the said Commissioners—And the Commissioners appointed by this act, shall have full power and authority to make their own rules and regulations for the purpose of carrying on the work and clearing out said river: *Provided always,* That they shall at all times, or as soon as may be, after they establish or make any rule or regulation for the above purpose, advertise the same upon the Court-house door in time of Court; and they shall enter in a book to be kept by them for that purpose, the whole of their proceedings; which book shall be open to view and inspection of any person that may wish to enquire into the conduct of the said Commissioners.

IV. *And be it further enacted,* That the said Commissioners shall appoint a Treasurer, who shall give bond and security to the satisfaction of the Commissioners, and shall also take an oath before some Justice of the Peace of the county of Onslow, that he will faithfully perform the duties of his appointment according to the best of his knowledge; and said Commissioners shall have full power and authority whenever they or a majority of them shall deem it necessary, to remove the said Treasurer from office without any change whatever; and the Treasurer shall, upon the demand of the Commissioners, deliver up to them all the cash, bonds, notes, subscription papers and all other property in his hands as Treasurer, and in case of refusal or non-compliance with said demand, within thirty days after such demand made, he shall forfeit and pay double the sum or value of all that may be in his hands belonging to said Commissioners.

V. *And be it further enacted,* That the Commissioners shall appoint an Agent, whose duty it shall be to oversee the men employed in labour, or working on said river; which Agent shall have power to discharge all persons who in his opinion do not work according to the expectations of the Commissioners, and to give orders on the Treasurer for sums of money due to the workmen: And the said Agent shall take an oath before a Justice of the Peace for Onslow county, that he will issue such orders in favour of the workmen, accordingly to the sums respectively due to them; and may be removed by a majority of the Commissioners, when to them it may seem necessary.

VI. And the said Commissioners shall have full power and authority to remove all obstructions to the navigation of said river; to cut a way through marshes or points of sand where it may be deemed expedient; and all damages done to individuals in completing the said navigation, shall be assessed by a jury to be appointed by the County Court, and paid by the commissioners out of the funds subscribed for the opening of said river; and execution may issue from the County Court of Onslow, against the said Commissioners, for the amount of the damages so assessed—and if the funds subscribed are not sufficient to pay the said damages, the private property of the said Commissioners shall be liable for the payment of the same, upon a scire facias issuing against them after a return on the first execution, that there are no funds belonging to the company to be found.

VII. *And be it further enacted,* That the said river when opened, shall remain forever free and open for all persons who may wish to pass up or down said river.

CHAP. XXIV.

An Act to facilitate and open the navigation of Cape-Fear river, from the mouth of Cross-Creek in Cumberland county, to Wilmington.

WHEREAS the existing obstructions in Cape-Fear river render its navigation difficult, and it is of importance that means shall be adopted to render it easy and safe; for the purpose of effecting so desirable an object,

Be it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act Hugh Campbell, John Huske, John M'Millan, James Mitchell, Paris J. Tillingham, jr. John Dickson, John Kelly and William M'Lennan, of Cumberland county; James Owen, David Gillespie, James Smith, James Purdie, Isaac Wright, Thomas Brown, jr. and John Nicholson, of Bladen county; Captain William Hall and Maurice Moore of Brunswick county; and Duncan Moore and Col. Samuel Ashe of New-Hanover county, be, and the same are hereby declared to be a body politic and corporate, to be called and known by the name of "The Cape-Fear Navigation Company;" and by that name shall be able and capable in law to have, purchase, possess, receive, enjoy and retain to themselves and successors, lands, tenements, goods and chattels, and the same to sell, grant, demise, alien and dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend or be defended, in Courts of Record, or in any other place whatever; and that they may elect and appoint all such officers as may be necessary, and from time to time make such rules, regulations and bye-laws, for the management and

* Evidently intended for Christopher Dudley and John E. Spier.—(Printer.)

well conducting said navigation as they may deem expedient: *Provided however*, That such shall not be repugnant to or inconsistent with the Laws and Constitution of this State or of the United States.

II. *And be it further enacted*, That in case of the death, refusal to act, resignation, or removal, of any of the aforesaid Commissioners appointed by this act, it shall and may be competent for, and the duty of the remaining Commissioners, or of a majority of them as soon after as shall be convenient to appoint others to supply the vacancy occasioned by such death, refusal to act, removal, or resignation, and the person or persons so appointed are hereby vested with the same powers as those by this act appointed.

III. *And be it further enacted*, That from and after the passing of this act, the said Cape-Fear Navigation Company are hereby vested with full power and authority, to raise by way of lottery, in one or more lotteries, any sum of money not exceeding ten thousand dollars, to be applied to opening and completing the navigation of said river, between the aforementioned places, by such scheme or schemes as the said Company, or a majority of them, shall think expedient.

IV. *And be it further enacted*, That the said Cape-Fear Navigation Company shall, before they sell or cause to be sold, any tickets by virtue of the authority hereby granted, enter into bond made payable to the Governor for the time being, and his successors in office, which bond shall be void upon condition that the said Company shall well and truly perform the trust hereby reposed in them, viz: That the said lottery or lotteries shall be conducted fairly, and according to the scheme or schemes which they shall adopt and make public; and pay every fortunate adventurer in said lottery or lotteries, such prize or prizes as he, she, or they may draw therein, subject however to such deductions and restrictions as said company shall make known in the publication of their schemes.

V. *And be it further enacted*, That the said bond shall be filed in the office of the Clerk of the Superior Court of the county of Cumberland, who shall keep the same among the records of said office; and any person aggrieved in drawing said lottery or lotteries, may bring suit thereon, without assignment, in the name of the Governor, and recover damages accordingly.

VI. *And be it further enacted*, That the said Company shall hold their first meeting in the town of Fayetteville, on the first Monday in March next, at which time they shall enter upon the duties of their appointment: Their subsequent meetings shall be regulated by their own adjournments.

VII. *And be it further enacted*, That any person who shall hereafter fell trees, or roll logs into the said river Cape-Fear, or in any other manner obstruct the navigation thereof, shall be subject to a penalty of five pounds for each and every offence, recoverable in an action of debt, before any justice of the peace having cognizance thereof, to the use of the person suing for the same. If the person offending be a slave, he or she shall, upon conviction, have twenty-five lashes well laid on, on his or her bare back.

VIII. *And be it further enacted*, That the several sums of money to be raised by virtue of this act, shall be appropriated by the said Cape-Fear Navigation Company, to the purposes of opening and facilitating the navigation of said river, and that the said Company are hereby vested with full power and authority to cut away points of land, and remove all or any obstructions of any kind whatever, that may tend to injure the navigation of said river.

IX. *And be it further enacted*, That as soon as the said Cape-Fear Navigation Company shall have fully and fairly laid out and expended whatever sums of money they may be able to raise by virtue of this act, it shall then be the duty of the several County Courts of the counties of Cumberland, Bladen, Brunswick, and New-Hanover to appoint a suitable number of Overseers, with a sufficient proportion of hands under them, and it shall be the duty of said Overseers and hands to work upon the said river Cape-Fear, to remove all obstructions, occasioned by falling of timber, rafting of trees, or any other accidental obstruction, that may from time to time be found to exist in said river: And it is hereby made the duty of the several county attorneys, in the said several counties, to take notice of the existence of this act, and to prosecute all Overseers appointed by virtue of this act, who shall refuse or neglect to keep the proportion of river assigned to them free and clear from obstructions.

X. *And be it further enacted*, That if any person or persons shall be sued for any thing done in pursuance of this act, he, she, or they, may plead the general issue, and give this act and the special matter in evidence, and in a verdict against the plaintiff, nonsuit, or discontinuance, recover costs of suit, any thing to the contrary notwithstanding.

CHAP. XXV.

An Act to Incorporate a Company for the purpose of cutting a navigable Canal from Roanoke river to Meherrin river, and from the waters of Chowan river in this State, to some of the waters of James river in the state of Virginia, or to the Dismal Swamp Canal.

WHEREAS the opening of a navigable Canal from Roanoke river to Meherrin river, and from the waters of Chowan river in this state, to some of the waters of James river in the state of Virginia, or to the Dismal Swamp Canal, so as to form by the most practicable plan a water communication between the said river Roanoke and James river, or the Dismal-Swamp Canal, is an object of great importance to the interior commerce of a large portion of this state and of Virginia; and many persons in both states are willing to subscribe large sums of money for the purpose of effecting those beneficial works, and it is just and proper that they, their heirs and assigns, should be empowered to receive reasonable tolls in satisfaction for the money advanced by them in carrying the said works into execution, and the risk they run:—And whereas by a resolution of the General Assembly of Virginia, passed on the thirteenth day of February, one thousand eight hundred and eleven, eleven commissioners were appointed, any three of whom were empowered to wait on this General Assembly, to enter into reasonable stipulations relative to opening the canals aforesaid; subject, however, to the approval, alteration or rejection of the respective Legislatures of Virginia and North-Carolina: and Peckay R. Gilmer, George Tucker, and Isaac H. Cole, Esquires, three of the said commissioners, have accordingly attended the present General Assembly, and on a conference with the said gentlemen by a joint committee of the Senate and House of Commons, the following stipulations have been mutually agreed upon and approved by the said commissioners, on the part of Virginia, and by the said committee of both Houses, to wit:—First—The state of Virginia agrees that no restriction, duty or impost shall be laid on any commodity, which is the growth, produce or manufacture of the state of North-Carolina, brought through the said canals or either of them, for sale or exportation, and that the same may be sold or exported without re-inspection. Secondly—The state of

1811 Virginia agrees that the waters of Roanoke and all its branches, and all other waters communicating with Albermarle Sound, as far as the same are in Virginia, shall be forever considered as a common high-way, free for the use and navigation of vessels belonging to the state of North-Carolina or any of its citizens, and that they shall not be therein subject to the payment of any toll or charge whatever, imposed for the purpose of raising revenue. Thirdly—The state of North-Carolina agrees that the waters of Roanoke river and all its branches, above the place from which the canal shall be cut, and all the other waters communicating with Albermarle Sound, as far as the same shall form a part of the said navigation proposed to be opened by this act, are in North-Carolina, shall be forever considered as a common high-way, free for the use and navigation of vessels belonging to the state of Virginia or any of its citizens, and that they shall not be therein subject to the payment of any toll or charge whatever, imposed for the purpose of raising revenue. Fourthly—The state of North-Carolina agrees that no restriction, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the state of Virginia, passing through the aforesaid waters or any of them to the said canals, or through the said canals or either of them, for sale or exportation, and that the same may be sold or exported without re-inspection. In those articles where it is expressed that no duty or impost is to be laid for the purpose of raising revenue, it is not to be understood that the imposition of tolls for the purpose of improving the navigation of the said waters is prevented. Fifthly—The said states agree to appoint each three commissioners, who shall have power and authority to employ an Engineer, or some person of competent skill and ability, to survey the country through which it may be necessary to conduct the navigation, under the direction of the said commissioners or a majority of them, and to lay before them plans and sections of the different routes, and estimates in detail of the different parts of the several works; upon which the said commissioners or a majority of them shall have power and authority to determine on that route which, all things considered, shall be deemed most eligible: And for the purpose of compensating the said Engineer, and publishing the before-mentioned plans and estimates, the said commissioners may receive such sums of money as individuals may be disposed to advance towards defraying the expence of employing an Engineer and publishing a report and estimates, to be paid out of the first subscriptions to the Roanoke Canal Company; and the receipt of the said Commissioners or their agents, shall be considered as a payment of the amount therein mentioned, towards the share or shares which the holder of such receipt may have subscribed.—Sixthly—As soon as the before-mentioned Commissioners have determined on the most eligible route for the proposed canals, and have ascertained their probable cost, the amount of the said cost shall be divided into shares of one hundred dollars each; and the said Commissioners or a majority of them, shall have power and authority to apportion the said shares among the counties of Patrick, Henry, Pittsylvania, Halifax, Mecklenburg, Brunswick, Greenville, Southampton, Botetourt, Bedford, Franklin, Campbell and Charlotte, and the Borough of Norfolk, in the State of Virginia; and the counties of Surry, Stokes, Rockingham, Caswell, Person, Granville, Warren, Halifax, Northampton, Hertford, Bertie and Gates, in the State of North-Carolina; making the said apportionment as near as may be, according to their respective distances from market and population—*Provided*, That no citizen of one county shall be precluded from subscribing in any other county, nor a citizen of one state from subscribing in the other. Seventhly—And the said States agree that they will pass laws, prohibiting under reasonable penalties, their respective citizens from impeding in manner the navigation of the river Roanoke and Dan, and that there shall be a free, unobstructed channel left throughout the whole course of the said rivers, in the deepest part of the same, not less than thirty feet wide. Lastly—The citizens of each of the said two States may have the use of the inspection of the other for the purpose of re-inspecting any damaged commodities which have passed through the said canals or either of them, on paying the price of the labour of re-inspection, and no more.—And whereas this General Assembly are of opinion that the said stipulations are made upon just and mutual principles of the interest of both States:

BE it therefore enacted, That the said stipulations are hereby approved, confirmed and ratified, by the General Assembly of the State of North-Carolina, and that every part thereof shall be obligatory on this State and the citizens thereof, and shall be forever faithfully and inviolably preserved and kept by this Government and all its citizens, according to the true intent and meaning thereof.

II. *And be it further enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to open books in the counties of Surry, Stokes, Rockingham, Caswell, Person, Granville, Warren, Halifax, Northampton, Hertford, Bertie and Gates, under the management of the following persons, to wit: In Surry, under the management of George Kinconnon; in Stokes, under the management of Thomas Armstrong; in Rockingham, under the management of Mark Harden; in Caswell, under the management of Andrew Harrison, jun.: in Person, under the management of Alexander Cunningham; in Granville, under the management of Willis Lewis; in Warren, under the management of John Snow; in Halifax, under the management of William E. Webb; in Northampton, under the management of Greene Turner; in Hertford, under the management of William H. Murfree; in Bertie, under the management of Joseph H. Bryan; and in Gates county, under the management of Wills Cooper; and under the management of such persons and at such places in the before-mentioned counties and borough in Virginia, as shall be appointed by that State, for the receiving and entering subscriptions to the amount proposed to be raised by the Commissioners, for the purpose of accomplishing the said canals; which subscriptions shall be made personally or by a power of attorney: That the said books shall be opened for receiving subscriptions, at such times and places within the several counties, as the Commissioners or a majority of them shall appoint, and continue open for the term of two years, unless the subscription shall be sooner filled up; and at the expiration of the said term, or so soon as the subscription shall be filled up, there shall be a general meeting of the subscribers at Williamsborough, in the state of North-Carolina; of which meeting, notice shall be given by the said managers, or any three of them, in the Gazettes of both the aforesaid States, at least one month before the said meeting; and such meeting shall and may be continued from day to day, until the business is finished; and the acting managers shall at the time and place aforesaid, lay before such of the subscribers as shall meet according to the said notice, the books of them respectively kept, containing the state of the said subscription; and if one half of the capital sum aforesaid should on examination appear not to have been subscribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency; and a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers or any four or more of them, under their hands

into the Superior Court of Warren, and into such Court as the state of Virginia may direct to be there¹⁸¹¹ recorded: And in case more than the sum so required to be raised shall be subscribed, then the same shall be reduced to that sum by the said managers or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest and above one share, until the sum is reduced to the amount of the capital proposed, or until a share is taken from all subscriptions above one share; and lots shall be drawn between subscribers of equal sums, to determine the numbers in which such subscribers shall stand on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule, until the sum subscribed is reduced to the capital aforesaid, or until all the subscribers are reduced to one share; and if there still be an excess, then lots shall be drawn to determine the subscribers who are to be excluded, to reduce the subscription to the capital aforesaid; which striking off shall be certified in the list aforesaid: And the said capital sum shall be reckoned and divided into such number of shares at one hundred dollars each, as shall be determined on by the Commissioners aforesaid; of which every person subscribing, may take or subscribe for one or more whole shares, and not otherwise: *Provided*, That unless one half of the capital shall be subscribed, all subscriptions made in consequence of this act shall be void; and in case one half and less than the whole of the said capital shall be subscribed as aforesaid, then the President and Directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered in whole shares as aforesaid, until the deficiency shall be made up; a certificate of which additional subscriptions shall be made under the hands of the President and Directors or a majority of them for the time being, and returned to and recorded in the Courts aforesaid.

III. *And be it enacted*, That in case one half of the said capital or a greater sum shall be subscribed as aforesaid, the said subscribers and their heirs and assigns, from the time of their said first meeting, shall be and they are hereby declared to be incorporated into a company by the name of "The Roanoke Canal Company," and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a President and four Directors, for conducting the said undertaking and managing all the said Company's business and concerns for and during such time not exceeding one year, as the said subscribers or a majority of them shall think fit; and in counting the votes of all general meetings of the said Company, each member shall be allowed one vote for every share as far as ten shares, and one vote for every five shares above ten, by him or her held at the time in said company; and any proprietor, by writing, under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote or act as proxy for him or her in any general meeting.

IV. *And be it enacted*, That the said President and Directors so elected, and their successors, or a majority of them assembled, shall have power and authority to agree with any person or persons, on behalf of the said company, to cut the said canals and to erect such locks and to perform such other works as they shall judge necessary for the navigation of the said canals, and carrying on the same from place to place, and from time to time, and upon such terms and in such manner as they shall think fit; and out of the money arising from the subscriptions and tolls to pay for the same, and to repair and keep in order the said canals, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a Treasurer and Clerk, and such other Officers, toll-gatherers, managers, and servants, as they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle, pass and sign their accounts, and also to make and establish rules of proceeding, and transact all the other business and concerns of the said Company, in and during the intervals between the general meetings of the same; and they shall be allowed as a satisfaction for their trouble therein such sum of money as shall, by a general meeting of the subscribers, be determined. *Provided always*, That the Treasurer shall give bond in such penalty and with such security as the said President and Directors or a majority of them shall direct, for the true and faithful discharge of the trust reposed in him, and that the allowance to be made to him shall not exceed three dollars in the hundred for the disbursements by him made: And that no officer in the said Company shall have a vote in the settlement or passing of his own account.

V. *And be it further enacted*, That the said President and Directors and their successors, or a majority of them, shall have full power and authority from time to time, as money shall be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the Virginia and North-Carolina Gazettes: And they are hereby authorized and empowered to demand and receive of the several proprietors, from time to time, the sums of money so ordered to be advanced for the carrying on and executing or repairing, and keeping in order the said works, until the sums subscribed shall be fully paid, and to order the said sums to be deposited in the hands of the Treasurer, to be by him disbursed and laid out as the said President and Directors, or a majority of them, shall order and direct: And if any of the said Proprietors shall refuse or neglect to pay their said proportions within one month after the same is so ordered and advertised as aforesaid, the said President and Directors, or a majority of them, may sell at auction and convey to the purchaser, the share or shares of such proprietor so refusing or neglecting payment, giving at least one month's notice of the sale in the Virginia and North-Carolina Gazettes; and after retaining the sum due and charges of sale out of the money produced thereby, they shall refund and pay the surplus (if any) to the former owners: and if such sale should not produce the full sum ordered and directed to be advanced as aforesaid, with the incidental charges, the said President and Directors, or a majority of them, may in the name of the Company sue and recover the balance by motion, on ten days previous notice: And the said purchaser or purchasers shall be subject to the same rules and regulations as if the said sale or conveyance had been made by the original proprietor. And to continue the succession of the said President and Directors, and to keep up the same number,

VI. *Be it enacted by the authority aforesaid*, That from time to time, on the expiration of the term for which the said President and Directors were appointed, the proprietors of the said Company, at the next general meeting shall either continue the said President and Directors or any of them, or shall choose others in their stead; and in case of the death, removal, resignation or incapacity of the President or any of the Directors, may and shall in manner aforesaid, elect any other person or persons to be President and Directors in room of him or them so dying, removing, resigning, or becoming incapable of acting, and may at any of their general meetings, remove the President or any of the Directors, and appoint

1811 others for and during the remainder of the term for which such person or persons were at first to have acted.

VII. *And be it enacted*, That every President and Director before he acts as such shall take an oath or affirmation for the due execution of his office.

VIII. *And be it enacted*, That the presence of proprietors having a majority of shares shall be necessary to constitute a general meeting, and that from and after the first meeting of the subscribers the general meeting shall be held on the first Monday in May in every year, at such convenient places as shall from time to time be appointed by the said general meeting; but if a sufficient number should not attend on that day, the proprietors who do attend may adjourn such meeting from day to day, till a general meeting of the proprietors shall be had, which may be continued from day to day until the business of the Company is finished; to which meeting the President and Directors shall make report, and render distinct and just accounts of all their proceedings, and on finding them fairly and justly stated, the proprietors then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said Company's books; and at such yearly general meeting, after leaving in the hands of the Treasurer such sum as the proprietors, or a majority of them shall judge necessary for repairs and contingent charges, an equal dividend of all the nett profits arising from the tolls hereby granted, shall be ordered and made to the proprietors of the said Company in proportion to their several shares: And on any emergency in the interval between the said yearly meetings, the President or a majority of the Directors may appoint a general meeting of the proprietors of the Company at any convenient place, giving at least one month previous notice in the Virginia and North-Carolina Gazettes, which meeting may be adjourned and continued as aforesaid.

IX. *And be it enacted*, That for and in consideration of the expences the said proprietors will be at, not only in cutting the said canals, erecting locks and performing other works necessary for this navigation, but in maintaining and keeping the same in repair—the said canals' locks and other works, with all their profits, shall be and the same are hereby vested in the said proprietors, their heirs and assigns for one hundred and ninety-nine years, to be computed from the completion of the said work as tenants in common in proportion to their respective shares, and for the said term of one hundred and ninety-nine years shall be exempt from the payment of any tax, imposition or assessment whatsoever; and it shall and may be lawful for the said President and Directors respectively, and at all times for the term aforesaid, to demand and receive at some convenient place near one of the extremities of said canals, for all commodities transported through them, Tolls according to the following table and rates, (to wit:)

Commodities transported.	Rates of toll for the Roanoke Canal.		Commodities transported.	Rates of toll for the Roanoke Canal.	
	CENTS.	CENTS.		CENTS.	CENTS.
For every pipe or hoghead of wine containing more than sixty-five gallons, seventy-five		fifty	or shells	thirty-three	twenty-five
—every hoghead of rum or other spirits	fifty	forty	—every thousand bricks or tiles	fifty	forty
—every hoghead of tobacco	forty-two	thirty-three	—every hundred of pipe staves	twelve & half	eight & half
—every hoghead of molasses	thirty-three	twenty-five	—every hundred of hoghead staves or pipe of hoghead heading	eight	six
—every hoghead or butt of malt liquor	thirty-three	twenty-five	—every hundred of barrel staves or barrel heading	six	four
—every cask between sixty-five and thirty-five gallons one half of a pipe or hoghead, every barrel one fourth part, and every smaller cask or keg in proportion to the quantity or quality of their contents.			—every thousand shingles from 18 to 24 inches	eight	six
—every dozen bottled wine	two	one & half	—every thousand and three feet shingles	seventeen	twelve & half
—every dozen bottled malt liquor	two	one & half	—every thousand clap boards or poles	seventeen	twelve & half
—every bushel of wheat, peas, beans, rice or flax-seed	one & half	one	—every cord of fire wood	eight	six
—every bushel of Indian corn or other grain or salt	one & half	one	—every hundred cubic feet of plank or scantling	seventy-five	fifty
—every barrel of pork	twelve & half	eight & half	—every hundred cubic feet of all other timber	sixty-three	forty-two
—every barrel of beef	eight & half	five & half	—every hundred weight of brown or clayed sugar	eight & half	five & half
—every barrel of fish	eight	six	—all other produce, goods, wares or merchandize, one fourth of one per cent		
—every barrel of flour	twelve & half	eight & half	—every boat or vessel exceeding one ton burthen which has not commodities on board to yield so much, except an empty vessel or boat returning, whose load has already paid toll, in which case she is to pass free of toll		
—every barrel of tar, pitch, turpentine or rosin	five	three	—every canoe, boat or vessel under one ton burthen which has not commodities on board to yield so much, except as in the preceding article excepted,	thirty three	twenty-five
—every cask of linseed oil or spirits of turpentine, the same as molasses.			—every hundred weight of indigo	twenty-five	seventeen
—every ton of hemp, flax, pot-ash or bar-iron	seventy-five	fifty			
—every ton of pig-iron or castings	twenty-five	seventeen			
—every ton of copper, lead, or other ore, other than iron,	fifty	forty			
—every ton of stone or iron ore, other than the ballast of the vessel	twelve & half	eight & half			
—every chaldron of coals	seventeen	twelve & half			
—every hundred bushels of lime					

And in case of refusal to pay the tolls at the time of offering to pass the places as aforesaid, and previous to passing the same, the Collectors respectively may lawfully refuse passage to whoever refuses payment; and if any vessel shall pass without paying the toll, then the said Collectors respectively may lawfully seize such vessel and sell the same at auction for ready money, advertising the said sale previously one month; the money arising from which, so far as it is necessary, shall be applied towards paying the said tolls and all expences of seizure and sale, and the balance, if any, shall be paid to the owner; and the person having the direction of such vessel, shall be liable for such tolls, if the same are not paid by the sale aforesaid.

X. *And be it further enacted*, That as soon as the said Company shall have so far completed their works as that the canals are ready for the transportation of produce, they shall advertise the same in four of the public prints of this State; and that the Legislature may within twenty-five years thereafter, and once in every twenty-five thereafter, alter the rates of toll hereby established—*Provided*, That the Legislature shall not at any time reduce the rate of tollage, unless the profits arising from it shall exceed fifteen per cent upon the capital stock: *Provided further*, That the Legislature of the state of Virginia shall consent thereto.

XI. And be it further enacted, That the President and Directors of said Canal Company, shall every twenty-fifth year after their works are compleated, and their canals ready for the transportation of produce, make return to this General Assembly and the General Assembly of the state of Virginia, of the amount of toll received by them for the preceding years; which return shall be sworn to before some one of the Judges of the Superior Courts of this State and the State of Virginia, or in open Court in some one of the counties of pleas and quarter-sessions of this State and of the State of Virginia.

XII. And be it enacted, That the said canals and works to be erected thereon by virtue of this act, when completed, shall forever thereafter be esteemed and taken as public highways, free for the transportation of all goods, commodities or produce whatever, on payment of the tolls imposed by this act; and no other toll or tax whatever, for the use of the water of the said canals and works thereon erected, shall at any time hereafter be imposed, without the consent of the Legislature of both Virginia and North-Carolina.

And whereas it is necessary for the making of the said canals, locks, and other works, that a provision should be made for condemning a quantity of land for the purpose :

XIII. Be it enacted, That it shall and may be lawful for the said President and Directors, or a majority of them, to agree with the owners of any land through which the said canals are intended to pass, for the purchase thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, or non compos, or out of the State, on application to any two Justices of the county in which such lands shall be, the said Justices shall issue their warrant under their hands, to the Sheriff of their county, to summon a jury of eighteen inhabitants of his county, of property and reputation, being freeholders, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrants, not less than ten nor more than twenty days thereafter.—And the Sheriff, on receiving the said warrants, shall forthwith summon the said jury; and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every jurymen that shall appear, that he will fairly, truly and impartially value the land, (not exceeding the width of ninety feet) and all damages the owners thereof shall sustain by cutting the said canal through such lands, according to the best of his skill and judgment; and that in such valuation, he will not spare any person through favor or affection, nor any person grieve, through malice, hatred or ill will; and the inquisition thereon taken, shall be signed by the Sheriff and some twelve or more of the jury, and returned by the Sheriff to the Clerk of his county, to be by him recorded: And on every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and the valuation shall be conclusive on all persons, and shall be paid by the said President and Directors respectively, to the owner of the land or his legal representatives; and on payment thereof, the said Company shall be seized of such lands as if conveyed by the owner to them and their successors, by legal conveyance, until the completion of the said works, and thence-forward for the term of one hundred and ninety-nine years; and after the expiration of this term, the said land, together with all the messuages, tenements and appurtenances, shall revert to the State of North-Carolina and Virginia respectively, in which the same may lie: *Provided nevertheless,* That if any future damage shall arise to any proprietor of land in consequence of opening such canals or erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as such new damage may arise or happen, by application to, and a warrant from any two Justices of the county where the land lies, to have further damages valued in like manner, and to receive and recover the same of the said President and Directors: But nothing herein shall be taken or construed to entitle the proprietor of any such lands to recover compensation for any damages which may happen to any mills or other works or improvements which shall be begun or erected by such proprietor, after such valuation, unless the said damage is wilfully and maliciously done by the said President and Directors, or some person by their authority.

XIV. And be it enacted, That the said President and Directors or a majority of them respectively, are hereby authorised to agree with the proprietor or proprietors for the purchase of a quantity of land, not exceeding one acre for each canal, at or near the receipt of the tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement or any of the disabilities aforesaid, or the proprietor being out of the State, then such land may be valued, condemned and paid for as aforesaid; and the said Company shall, on payment of the valuation of the said land, be seized thereof as aforesaid.

And whereas some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills and other water works, and the persons possessors of such situation, may design to improve the same—and it is not the intention of this act to interfere with private property, but for the purpose of improving and perfecting the said navigation:

XV. Be it enacted, That the water or any part thereof, conveyed through the said canals, shall not be used for any purpose but navigation, unless there shall be sufficient to answer both the purposes of navigation and water works aforesaid; in which case, the said President and Directors are hereby empowered and directed to enter into reasonable agreements with the proprietors of such situations, concerning the just proportion of the expences of making the said canals capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water works aforesaid.

XVI. And be it enacted, That it shall and may be lawful for every of the said proprietors to transfer his share or shares by deed, executed before two witnesses, and registered after proof of the execution thereof in said Company's books, and not otherwise, except by devise; which devise shall also be exhibited to the President and Directors of the Company in which the share is held, and registered in their books before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls—*Provided,* That no transfer whatever shall be made, except for one or more whole share or shares, and not for part of such shares; and that no share shall at any time be sold, conveyed, transferred, or held in trust for the use and benefit, or in the name of another, whereby the said President and Directors or proprietors, members of the said company, or any of them, shall or may be challenged or made to answer any such trust, but that every such person appearing as aforesaid to be a proprietor, shall as to the others of the said Company, be to every intent taken absolutely as such; but between any trustee and the person for whose benefit any trust shall be created, the common rule may be pursued.

XVII. And be it further enacted, That if the said capitals fixed upon by the Commissioners as aforesaid, shall prove insufficient, it shall and may be lawful for the said Company from time to time, to in-

1811
 increase their capital by the addition of so many whole shares as shall be judged necessary by the proprietors, members of such Company, or a majority of them, who shall be present at any general meeting: and the said President and Directors or a majority of them, are hereby empowered and required, after giving at least one month's notice thereof in the Virginia and North-Carolina Gazettes, to open books at the before-mentioned places, for receiving and entering such additional subscriptions, in which the proprietors for the time being, shall and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose: And the said President and Directors are hereby required to observe in all other respects, the same rules therein as are by this act prescribed for receiving and adjusting the first subscriptions, and in like manner to return under the hands of any three or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the Courts aforesaid, to be there recorded; and all proprietors of such additional sums shall and are hereby declared to be from thence-forward incorporated into the said company.

XVIII. *And be it further enacted*, That Peter Woodliff, Eaton Pugh, and Francis Jones, Esquires, are appointed Commissioners to act with three Commissioners to be appointed by the State of Virginia, to contract with an Engineer; and in case of the death or removal of any one of the above-named Commissioners, the vacancy shall be supplied by the appointment of the Executive.

XIX. *And it is hereby declared and enacted*, That the tolls herein before allowed to be demanded and received are granted and shall be paid on condition only that the said Company shall make the respective Canals each twenty feet wide, and such depth below the surface of the earth as will render them navigable in dry seasons, by vessels drawing three feet water, with sufficient locks where the same shall be necessary.

XX. *And it is hereby enacted and provided*, That in case the said Company shall not begin the said works in one year from and after the closing of their books for receiving subscriptions, or if the said Company shall not complete the navigation and works as aforesaid within ten years after closing the said books as aforesaid, then shall all the interest of the said Company so failing and all preference in its favour as to the navigation and tolls of the Canals to be opened by it as aforesaid, be forfeited and cease: *Provided*, That if the said Company shall at the expiration of the said ten years have completed two-thirds of the said Canals, they shall have a further time of three years for finishing the same. Every part or parts of any acts of Assembly which come within the purview and meaning of this act shall be and the same are hereby repealed. This act shall commence and be in force from and after the passing of a like act by the General Assembly of Virginia, and the faith and honour of this state are hereby solemnly pledged and engaged to the General Assembly of the state of Virginia and the government and citizens thereof, that this law shall never be repealed by the Legislature of this state without the consent of the state of Virginia.

CHAP. XXVI.

An Act to facilitate and open the Navigation of Neuse River, from Benjamin Smith's Falls, in Johnston county, to Newbern, and for other purposes

WHEREAS the inhabitants living near said river would derive great advantages by rendering said river navigable for boats, capable of carrying their naval stores to market without experiencing the delays and losses consequent on the present obstructed navigation of said river:

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, James Deans, Probert Collier, Nicholas Washington, Jesse Slocumb and John Coor Pender, of Wayne county, John Atkinson, Joseph Boon, sen'r. Edwin Smith, John Williams and Samuel Norsworthy, of Johnston county, are hereby declared to be a body corporate, by the name of "The Neuse River Navigation Company," and by that name shall be capable to sue and be sued, plead and be impleaded before any jurisdiction having cognizance thereof, and that they elect and appoint all officers necessary, and from time to time make such rules, regulations and bye-laws, for the management and conducting the said navigation, as they may deem expedient: *Provided, however*, That such shall not be repugnant to or inconsistent with the Laws and Constitution of this State or of the United States.

II. *And be it further enacted*, That the aforesaid Neuse River Navigation Company are hereby vested with full power and authority to raise by way of Lottery any sum not exceeding five thousand dollars, to be applied in opening the navigation of said river as aforesaid, by such scheme as the aforesaid Commissioners, or a majority, may think proper to devise.

III. *And be it further enacted*, That in case of death, refusal to act or removal of any of the aforesaid Commissioners appointed by this act, the remaining Commissioners are hereby fully authorised and empowered to appoint others to fill such vacancies, who are hereby vested with the same powers as those by this act appointed.

IV. *And be it further enacted*, That before the aforesaid Neuse River Navigation Company shall sell, or cause to be sold, any tickets by virtue of the authority hereby granted, they or a majority of them shall give bond with two sufficient free-holders security, payable to the Governor for the time being and his successors in office, conditioned to be void on due and faithful discharge of the trust hereby reposed in them—that is to say, the said Lottery shall be faithfully conducted, and the money so raised they shall faithfully account for, and to pay to every fortunate adventurer in said Lottery the prizes which he, she or they may draw therein on demand, subject, however, to such deductions and restrictions as the said Commissioners shall make in the publication of the scheme of said Lottery; which bond shall be filed with the Clerk of the Superior Court of Johnston county, who shall keep the same as a part of his records of said Court, and any person thereby aggrieved may bring suit on said bond without assignment, in the name of the Governor and may recover damages accordingly.

V. *And be it further enacted*, That as soon as the said Company shall have completed the navigation of said river as aforesaid, it shall become a public highway, and the County Courts of Johnston, Wayne, Lenoir and Craven shall appoint such number of hands and overseers to work thereon to keep the same clear and navigable as they may deem necessary; and the said Company shall render a correct statement of the money expended thereon to the Clerk of the Superior Court of Johnston county, who shall file the same in his office and keep it a part of his records of said Court.

VI. *And be it further enacted*, That no person or persons shall hereafter fall any trees across or roll any logs into the said river, or otherwise obstruct the said navigation, under the penalty of ten pounds for each and every such offence, to be recovered before a single Justice of the Peace by an action of debt, one half to the use of the person suing for the same, the other half to be applied for improving said navigation; and if a slave, shall receive twenty-five lashes on his bare back.

VII. *And be it further enacted*, That the aforesaid Commissioners, or a majority of them, shall have full power and authority to remove any obstruction which does or may impede the navigation of said river, any law to the contrary notwithstanding.

VIII. *And be it further enacted*, That one half of all fines and forfeitures that may hereafter accrue by virtue of an act of the General Assembly, passed in the year 1809, entitled "An act to prevent any person from hauling seins, skimming with nets or setting of nets, on certain days therein named in said Neuse river," shall be applied for the purpose of improving the navigation of said river, and said money shall be deposited in the hands of said Commissioners, to be by them applied as aforesaid, and so much of the before recited act is hereby repealed and made void.

IX. *And be it further enacted*, That all acts and clauses of acts coming within the meaning and purview of this act are hereby repealed and made void.

CHAP. XXVII.

An Act to authorize the opening of a Canal or water communication from Currituck Sound to the Atlantic Ocean, at or near the place formerly called Cathey's Inlet.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That Keneth Clark of Windsor, in Bertie county, and Willis Gallup of the county of Currituck, be and they are hereby authorized to open a Canal or water communication between Currituck Sound and the Atlantic Ocean, at or near the place formerly called Cathey's Inlet, across the land of the said Willis Gallup in the said county of Currituck.

II. *And be it further enacted by the authority of the same*, That the said Keneth Clark and Willis Gallup and their heirs, be and they are hereby authorized, after the said Canal shall be opened, to demand and receive as a toll the sum of five dollars for each vessel passing through the said Canal, and drawing not more than five feet water; and on those drawing more than five feet, ten dollars each.

CHAP. XXVIII.

An Act to amend an act passed at the last Session of the General Assembly, entitled "An act to facilitate the navigation of Goshen in the county of Duplin, from its junction with the North East river to the Rock Landing, near William Beck's."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Commissioners appointed by the above recited act for the purpose of facilitating the navigation of Goshen, shall on or before the third Monday in January next, deliver to the Chairman of the Court of Duplin county, a bond with good and sufficient security in the sum of ten thousand dollars, to be void on condition that the said Commissioners do well and truly perform the trust reposed in them by the above recited act; that the said lottery shall be conducted fairly and according to the scheme which they or a majority of them has or may adopt, and pay to every fortunate adventurer in said lottery the prize or prizes which he, she or they shall draw therein, subject however to such reductions and restrictions as the said Commissioners shall make known in the publication of the Scheme of said Lottery: And in case that they fail to draw the said Lottery, that they shall pay to the holders of tickets by them sold, the amount which they had received for the same.

And be it further enacted, That in case of death, removal or refusal to act of any of the aforesaid Commissioners, those remaining are hereby fully authorized to appoint others to supply such vacancy, who are hereby vested with the same powers as those appointed by the above recited act.

CHAP. XXIX.

An Act to appoint Commissioners for the purpose of opening a Canal to connect the waters of Lockwood's Folly and Elizabeth river, in the county of Brunswick, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Joshua Potts, Benjamin Blaney, Robert Potter, William Wingate, Thomas Russ, Joseph Russ, William Gibbs, Joseph Hewett and John Julius Gause, be and they are hereby authorized and empowered to enter into such rules and regulations, and adopt such measures as a majority of the said Commissioners may deem most expedient, for the purpose of opening a Canal to connect the waters of Lockwood's Folly and Elizabeth rivers in the county of Brunswick, by such route or directing as they may think proper to devise.

And be it further enacted, That when the direct and necessary course of the said canal shall pass through the lands of any person or persons under the age of twenty-one years, or where the title is disputed, or where the owner refuses to sell so much land as may be necessary, that it shall and may be lawful for the said Commissioners or a majority of them to exhibit their petition to the County Court of Brunswick aforesaid, stating the owner or claimant of the said lands, and the quantity required for the passage of the said Canal: Whereupon the court shall order the Surveyor of the said county, with six disinterested freeholders by them appointed, to view, lay off, and value on oath as much of the said land as shall be sufficient for the passage of the said Canal; that is to say, they shall estimate the value of a section or small strip of said land of the breadth of forty feet, and of the necessary length according as the Canal may pass: And they shall consider what damage the tract of land in question may sustain by the cutting a canal through it in the manner proposed, and shall determine what sum of money the owner or owners of the soil ought to receive from the Commissioners aforesaid, which shall be returned under their hands and seals. *Provided nevertheless*, That the said owner or owners or guardians shall have such reasonable notice of such petition and order as the court shall deem necessary, to attend at such survey and valuation: *And provided also*, that the passage of the said canal shall not interfere with or take in any houses, orchards or other improvements. And the petitioner shall pay down in court for the said land so laid off and obtained, the valuation money, and procure a record to be made thereof, which shall be a good and effectual seizen in law to create to the said Commissioners a fee simple in such lands for the use and purpose of completing the canal aforesaid; and the monies when paid into Court shall be received by the Clerk and paid to the owner or owners, or guardian or guardians as the case may be; *and provided*

1811 nevertheless, That the said canal shall be cut and compleated within five years, otherwise such land so laid off shall revert to the original owners or their assigns; any thing herein contained to the contrary notwithstanding.

II. *And be it further enacted*, That for the purpose of defraying the expences in cutting the said canal, and for carrying this act into compleat effect, the Commissioners aforesaid or a majority of them, are hereby vested with full power and authority to raise any sum not exceeding five thousand dollars, to be applied for the purpose of opening the said canal, by one or more lottery or lotteries by such scheme or schemes as the aforesaid Commissioners or a majority of them may think proper to devise; and the said Commissioners shall before they sell or cause to be sold any tickets by virtue of the authority hereby granted, give bond with two sufficient free-holders security, payable to the Governor for the time being and his successors, which bond shall be void, on condition that the said Commissioners shall well and truly perform the trust hereby reposed in them, that is to say, that the said lottery or lotteries shall be conducted fairly and according to the scheme or schemes which they or a majority of them shall adopt, and to pay to every fortunate adventurer in said lottery or lotteries the prize which he, she, or they shall draw therein, subject however, to such reductions and restrictions as the said Commissioners shall make known in the publication of the scheme or schemes of said lottery or lotteries.

III. *And be it further enacted*, That the said bond shall be filed with the Clerk of the Superiour Court of Brunswick county, who shall keep the same as a part of the records of said court: and any person thereby aggrieved, may without assignment, bring suit on said bond in the name of the Governor, and recover damages accordingly.

IV. *And be it further enacted*, That when the said canal is compleated, the said Commissioners shall render a correct statement of the money expended to the County Court aforesaid, and the Clerk shall file the same in his office, as a part of the records of said court.

CHAP. XXX.

An Act to incorporate a company for the purpose of clearing out and rendering navigable Newport river, from a place named Barber's Landing, unto the fork of said River in Carteret County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Borden, Joseph Borden, Leonard Mann and John Roberts, are hereby made a body corporate, by the name of the "Newport Navigation Company," and by that name shall be capable in Law to sue and be sued, plead and be impleaded, before any jurisdiction within this state having cognizance thereof, and may elect and appoint all officers necessary, and from time to time make such rules, regulations and bye-laws for the management and conducting of the said navigation, as they may deem expedient: *Provided*, That such shall not be repugnant to or inconsistent with the Laws and Constitutions of this State or of the United States.

II. *And be it further enacted*, That in case of death, refusal to act or removal of any of the aforesaid Commissioners appointed by this act, the remaining Commissioners are hereby authorised to appoint others to supply such vacancies, who are hereby vested with the same powers as those by this act appointed.

III. *And be it further enacted*, That the said Newport Navigation Company, when they shall have the said navigation compleated, shall have full power by this act to demand and receive the following tolls: For every barrel of Tar, Turpentine, Pitch, Rosin or Spirits of Turpentine—ten cents; for every thousand Shingles, Barrel Staves and Heading—twenty cents; for every thousand feet of Lumber—forty cents; for every thousand feet of Plank or Boards—thirty cents; for every thousand Bricks—twenty-five cents; for every thousand Hogshead Staves and Heading—twenty-five cents; for every large Flat—fifty cents.

IV. *And be it further enacted*, That the said Newport Navigation Company, their heirs and assigns, shall have all the profits and incomes arising by tolls from the said river for the term of sixty years, *Provided*, The same be compleated within five years from the passage of this act.

CHAP. XXXI.

An Act to render navigable Colly Swamp, in Bladen County.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Col. Samuel Andres, William H. Beattie, Elisha Andres, William Johnston, Benjamin Lock, James Larkins, John Russ and Benjamin Evans, he and they are hereby appointed, incorporated and stiled "The Colly Swamp Company," and by the same name and style may sue and be sued, plead and be impleaded in any Court in the state, and make such rules and regulations for their own government as they shall think proper; and in case of the death, removal or refusal to act of either of the said Company, the majority of the acting members thereof are hereby empowered to appoint such other person or persons to fill such vacancy.

II. *And be it further enacted*, That a majority of said Company shall constitute a quorum to transact business, and shall have full power to receive subscriptions and donations from such public spirited persons as may be inclined to aid such laudable undertaking, and dispose of the same as they may think proper for the purposes aforesaid.

III. *And be it further enacted*, That the said Company shall have full power to remove all obstructions that they may deem necessary for the safe passage of boats; and if any person or persons shall act or do any thing to injure said navigation, such person or persons shall be answerable to the said Company in double the damages thereby sustained.

IV. *And be it further enacted*, That the said Company shall keep open their books of subscription and donations until such time as they shall judge that they have a sufficiency subscribed, and then shall proceed to open said navigation; and the same when completed shall be and remain a public highway for the transportation of all craft, goods, wares and merchandize, free of toll.

V. *And be it further enacted*, That said Company, for the trouble and expenditures they may incur by carrying this act into effect, shall be allowed five per cent out of all monies by them collected and appropriated agreeably to the tenor of this act.

VI. *And be it further enacted*, That this act shall be in force from and after the passing thereof, and all laws and clauses of laws coming within the meaning and purview thereof be hereby repealed.

CHAP. XXXII.

1811

An Act to incorporate the Broad River Navigation Company, and also the inhabitants of Rutherfordton, of the county of Rutherford, and for other purposes.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Samuel S. Ross, Robert M'Affee, Hugh Quin, William Sadler, and Noble Hamilton, be and they are hereby declared to be a body corporate and politic, and shall be known by the name of "Broad River Navigation Company, of the county of Rutherford;" and they are hereby declared to have full power and authority by the name aforesaid, to sue and be sued, plead and be impleaded, in all cases where the same may be necessary; and they shall also have full power and authority to adopt such rules and regulations, and pass such bye-laws for the purpose of completing the said navigation, as a majority of the said Commissioners may think proper; *Provided,* such laws, rules or regulations, are not incompatible with the Constitution of this State or the United States: And the said Commissioners shall be sworn in open Court, to perform the duties herein enjoined, faithfully and impartially, and also to apply the monies received as by this act directed.

II. *And be it further enacted,* That the said Commissioners, or a majority of them, shall have power to receive by subscriptions and donations, either in money or property, for the purpose of clearing out said river; and when they or a majority of them shall deem it necessary, may apply to the County Court of said county; and the said Court is hereby authorised and required to direct that the citizens within three miles of said river, on each side, shall work on the said river in clearing out the same, in the same manner as is directed by the road law; and the said river shall forever be and remain a public highway, free for all persons to pass and re-pass at pleasure.

III. *And be it further enacted,* That in case of death, removal, or refusal to serve, of any of said Commissioners, the County Court shall have power to fill any vacancy that may happen in case of death, removal, or refusal to serve, of any of the said Commissioners; and the said Commissioner or Commissioners so appointed, shall be vested with the same power and authority as if they had been appointed by the General Assembly.

IV. *And be it further enacted,* That the free-holders and free citizens of the town of Rutherfordton, in the county of Rutherford, shall meet at some convenient place in said town, on the first Monday in January, in each and every year, and elect five Commissioners, residents of said town, who shall be styled "The Union Society of Rutherfordton;" and they shall be authorised and empowered to make bye-laws and adopt such rules for the regulation and government of said town, as may be necessary for the good order and police of said town, so that the same be not inconsistent with the Laws and Constitution of this State and the United States.

V. *And be it further enacted,* That the Commissioners so appointed, shall have power to lay a tax on all property in the said town of Rutherford, in the same manner as the laws of the State direct—*Provided,* they do not lay a poll tax more than seventy-five cents, and at the same rates on every hundred pounds value of town property: *Provided also,* that they shall not tax any retailer of spirituous liquors, who pay a license to the State, who is not an inhabitant of said town.

VI. *And be it further enacted,* That from and after the passing of this act, it shall be the duty of the sheriffs and constables in the county of Rutherford, when they or any of them do levy an execution upon land, slaves or horses, to sell the same at the court-house aforesaid, on the second Monday of the first month happening thereafter—and the second Monday of each and every month in each year, is hereby set apart for that purpose, and shall be considered as sale days: *Provided nevertheless,* That the same notice shall be given at least forty days previous thereto, of the sale of real estate, and ten days notice of the sale of personal property; and the sale shall be conducted under the same rules and restrictions as heretofore prescribed in such cases; and the said sales shall be made upon the public square, between the hours of ten and four o'clock.

VII. *And be it further enacted,* That all laws and clauses of laws, coming within the meaning and purview of this act, be and the same are hereby repealed, so far as relates to the county of Rutherford.

CHAP. XXXIII.

An Act to amend an Act passed in 1804, entitled 'An Act to prevent the felling of Timber in Uhara and Deep rivers, within the county of Randolph.'

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the before recited act is hereby declared to extend to and be in full force in the county of Montgomery, as far as respects the river Uhara.

II. *And be it further enacted,* That any person or persons who shall violate any of the provisions of this act or the before recited act, shall forfeit five dollars for every such offence, to be recovered by any person suing for the same, to his sole use: *Provided nevertheless,* That neither this nor the before recited act shall be construed to prevent the felling any timbers in said river, below the lowest mill on said river.

CHAP. XXXIV.

An Act to authorize and empower the Field Officers and Captains of militia of their respective counties, to alter the place or places for holding regimental and battalion musters.

WHEREAS numerous applications are made to this General Assembly for the alteration of regimental and battalion musters, which consume a considerable part of the time of the Legislature, and are attended with great expence to the state: For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act the Field Officers and Captains of each and every regiment within this state, or a majority of them, shall have and be vested with full power and authority to alter the place or places of holding their regimental or battalion musters, to such other place or places within their respective regiments as may in their opinion be more convenient.

II. *And be it further enacted,* That all laws or clauses of laws that come within the meaning and purview of this act be, and the same are hereby repealed.

LAWS OF NORTH-CAROLINA.

CHAP. XXXV.

An Act directing the Commanding Officers of the regiments of Militia of the county of Buncombe, Rutherford and Burke, to review each regiment separately.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall hereafter be the duty of the Brigadier-General to review each regiment in said counties separately, at the usual places of holding their regimental musters; and the said reviewing officers shall be governed by the same rules and regulations heretofore prescribed by law in such cases.

CHAP. XXXVI.

An Act to divide the Militia of Surry county into two separate and distinct regiments

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the militia companies on the north side of the Yaulkin river, commanded by captains Underwood, Witcher, Deatheridge, Lovel, Thomason, and Badget, shall compose the first regiment, and shall be entitled to hold their regimental musters at the house of John Ryons, or within two miles thereof, at some convenient place, as the commissioned officers or a majority of them may think proper, and shall be under the same rules, regulations and restrictions as are directed by the Militia Laws of this State.

II. *And be it further enacted,* That the companies on the south side of said river, under the command of captains Martin, Hudley, Wright, Brown, Stoe and Speer, shall compose the second regiment, and shall be entitled to hold their regimental musters on the south side of said river, at the cross-roads where the battalion muster was formerly held, or within two miles thereof, as the commissioned officers of said regiment or a majority of them may think proper; and shall be under the same rules, regulations and restrictions, as are directed by the Militia Law of this State.

CHAP. XXXVII.

An Act to amend an Act, passed at the last General Assembly entitled 'An Act to annex a militia company in the county of Wayne, to the Waynesborough Battalion.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act as go to say, 'from the head of the Wolf Branch to the head of Naughtunty,' &c. be and the same is hereby repealed and made void.

II. *And be it further enacted by the authority aforesaid,* That the boundary from the head of the Wolf Branch, are as follows, to wit—down the Wolf Branch to its mouth; then south to the road leading from Peter Peacock's, and with said road to the beginning of the before recited act; any law, usage or custom to the contrary notwithstanding.

CHAP. XXXVIII.

An Act to establish the place of holding the reviews of the regiment of Cavalry attached to the sixth brigade of the third division of the Militia of North-Carolina.

WHEREAS Chatham, Orange and Randolph counties compose the said regiment, and the officers thereof have heretofore held their reviews at Hillsborough, which is very inconvenient to a large majority of those who compose the said regiment—For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the cavalry officers of the regiment attached to the sixth brigade of the third division of the Militia of North-Carolina, shall review their said regiment at such place as a majority of the officers of said regiment may think proper—*Provided,* the place so fixed on be at or within two miles of the south-west corner of Orange county: And the same shall be governed by the rules, regulations and restrictions heretofore prescribed by law.

CHAP. XXXIX.

An Act to divide the militia of Guilford county into two regiments.

BE it enacted by the General Assembly of the State of North-Carolina, That the companies commanded by the captains Jesse Field, James Nealy, William Mears, John F. Gibson, Robert Gilmore, Evan Parsons, William Clapp and Obed Macy, Joseph Aydlott and William Doak, of the cavalry, shall compose the second regiment in the county aforesaid.

II. *And be it further enacted,* That the first and second regiments of said county, shall hereafter hold their general and regimental musters at or as near the court-house in said county, as may be convenient, and shall be governed by the same rules, regulations and restrictions, as the Militia of this State.

III. *And be it further enacted,* That the fourth section of an act passed in one thousand eight hundred, to establish a battalion muster in the south-east part of said county, be repealed and made void; any law, usage or custom to the contrary notwithstanding.

CHAP. XL.

An Act to divide the militia of Stokes county into two regiments.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the militia of Stokes county shall be divided into two regiments, in the following manner, to wit: The companies now commanded by captains Goode, Shifer, Webb, Cardwell, Clements, Eason, Kiser and Edwards, shall compose the north or first regiment of the militia of said county; and the companies commanded by captains Fulp, Studart, Loyd, Markland, Miller, Houser, Vest, Moody, Vankoy and Shores, shall compose the south or second regiment of the militia of said county.

II. *And be it further enacted,* That a majority of the field officers in each regiment, when so divided, shall have full power to fix on the places for holding their regimental musters, under the same rules, regulations and restrictions, as other regimental musters are held in this State.

III. *And be it further enacted,* That this act shall not prevent the adjutant of the regiment of Stokes from collecting all fines which heretofore have been imposed on any person in court martial.

IV. *And be it further enacted,* That the fines so collected, shall be paid over to the judge advocate of the different regiments from which they were collected, and be applied as all fines heretofore directed by the Militia Law of this State.

CHAP. XLI.

1811

An Act to establish the battalion mustered at James Atkins' in Cumberland county, into a separate regiment.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the battalion of the militia of Cumberland county, mustered at the plantation of James Atkins, in said county, shall be hence-forward established into a separate and distinct regiment, to be known by the name of the second regiment of the militia of Cumberland county, and shall be officered accordingly; which regiment, on general reviews, shall attend at Fayetteville, and shall at all times take their station on the left.

II. And be it further enacted, That the polls of the separate elections in said county shall be closed at four o'clock, and the polls of the election at the court-house in Fayetteville, in future shall be closed at five o'clock, at which times and places, the Sheriff and his several deputies shall proceed to count out the votes given at the said places of election, and certify the same as is by law directed; which alteration of time shall be advertised by the Sheriff of said county, at the time of his advertising the annual election.

III. And be it further enacted, That such laws as come within the meaning and purview of this act, be and they are hereby repealed and made void.

CHAP. XLII.

An Act to divide the first regiment of the militia of the county of Rutherford, into two regiments.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the first regiment of the militia of Rutherford county shall be divided into two regiments, by a line beginning on the second regimental line, near Elias Alexander's; thence with the Ridge road leading towards Rutherfordton, as far as Garland Dickerson's; thence with what is called the Cove road, on the ridge between the waters of Glaghorn's and Shepherd's creek, into the main road, about one mile above the court-house; thence with said road passing Charles Lewis's; thence to Lunsford Bagwell's, George Russell's, the widow Russell's, Jesse Brigg's, John Whiteside's, and thence to Shelton's Gap, where it joins the Buncombe county line: and the militia south-west of said line, shall be erected into a separate regiment, and shall be called and known by the name of the third regiment of the Rutherford militia, and officers shall be appointed; and the said regiment shall be under the same rules, regulations and restrictions, as other regiments of the militia of this State.

CHAP. XLIII.

An Act to establish a Seminary of Learning in the county Moore, by the name of the 'Euphronian Academy.'

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Murdoch M'Milan, Archibald M'Bryde, Murdoch M'Kenzie, William Tyson, Thomas Tyson, Benjamin Williams, Wm. Martin and Atlas Jones shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Trustees of the Euphronian Academy, and by that name shall have perpetual succession; and they or their successors by the name aforesaid, or a majority of them, shall be able and capable in law, to make, demand, receive and possess, all monies, goods, and chattels that shall be given for the use of the said Academy, and the same to apply according to the directions of the donor, and by gift, purchase or devise to take, possess, and enjoy to them and their successors forever, any lands, tenements, or hereditaments in trust, that the same or the profits thereof be applied to and for the purpose of establishing and endowing the said Academy.

II. And be it further enacted, That the said Trustees or a majority of them by the name aforesaid, shall be able and capable in law, to grant, bargain, sell and convey any such lands, tenements or hereditaments as aforesaid, when such conveyance is not inconsistent with the terms of the donation; and further, that the said Trustees, their successors or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or court of equity in this State.

III. And be it further enacted, That the said Trustees and their successors, or a majority of them, shall have and are hereby declared to have full power to make and ordain such laws and regulations for their own government, and for the regulation and government of said Academy as to them may appear necessary; and shall be able and capable to do all things whatever for the promotion of said seminary in as full and ample manner as any body politic or corporate, can or may do by law.

IV. And be it further enacted, That upon the death, or resignation, inability or refusing to act of any of the Trustees aforesaid, it shall be lawful for the remaining trustees or a majority of them, to elect others to supply their place, who shall have equal power and authority with the Trustees hereby appointed.

CHAP. XLIV.

An Act to establish an Academy in Mecklenburg county.

WHEREAS the education of youth is of the greatest importance to society: *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Reverend James Wallis, Doctor Cunningham Harris, John Patterson, and Henry Foster, Esquires, and Messrs. John Simmeson, John M'Kee, William Stewart, John Still, James Cunningham and James Willie, be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Trustees of 'New Providence Academy,' and by that name shall have perpetual succession; and they and their successors, by the name aforesaid, or a majority of them shall be able and capable in law, to take, demand, receive and possess, all monies, goods and chattels that shall be given to the use of the said Academy, and the same apply according to the will of the donor, and by gift, purchase or devise to take, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents or tenements of what kind or nature soever, in special trust and confidence that the same or the profits thereof, be applied to and for the purpose of establishing and endowing said Academy, and shall be capable of pleading and being impleaded in and for any lands, tenements, rents, monies or donation which may be devised or subscribed for said institution.

II. And be it further enacted, That upon the death, removal, inability, refusal to act or resignation of any of the said justices, it shall be lawful for the remaining Trustees, or a majority of them, to elect other Trustee or Trustees in the room of such as die, resign, remove, or refuse to act; and the Trus-

1811 } *tée* or Trustees so elected shall have equal power, authority, and capacity with the Trustees herein appointed.

III. *And be it further enacted*, That the said Trustees or a majority of them, shall have full power and authority to make all such bye laws and regulations for the government of said academy, and for the preservation of order and good morals therein, as they may deem proper and necessary, provided they are consistent with the Constitution and laws of this State and of the United States.

XLV.

• An Act to authorize the Trustees of the Nutbush Mineral Spring Academy, on the lands of John Sims, in the county of Warren, to raise a sum not exceeding one thousand dollars by lottery or lotteries.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Trustees of the Nutbush Mineral Spring Academy, on the lands of John Sims, in the county of Warren, be authorised to raise a sum of money not exceeding one thousand dollars by a lottery or lotteries, to be appropriated to the use and benefit of said Academy.

II. *And be it further enacted*, That the said Trustees shall appoint five persons as managers, whose duty it shall be to superintend the said lottery or lotteries, and who, before they enter upon the discharge of their duties, shall give bond and security in the County Court of Warren, in such a sum as shall be fixed by said Court, for the due performance of their trust.

CHAP. XLVI.

An Act to establish an Academy on the lands of Thomas B. Littlejohn, adjoining the Court-house in Granville county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Leonard Henderson, Joseph Taylor, sen. Stephen Sneed, William Hawkins, William Robards, Frank N. W. Burton, John Hare, Willis Lewis, James Hamilton, Micajah Bullock, Jeremiah Bullock, Charles Taylor, John Howard, Edmund Taylor, William Bullock, Henry Yancey, Thomas Hunt, Maurice Smith, Henry Young, James Ridly, sen. Joseph Taylor, jun. John Washington, Thomas Webb, Nathaniel Robards, Daniel Jones, jun. John Nuttall, Thomas Person, Southern Higgs, Joseph B. Littlejohn, Thomas B. Littlejohn, and William M. Sneed, be, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of the Trustees of the Oxford Academy, and by that name shall have perpetual succession, and they or their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to receive and possess any property, real or personal, that shall be given for the use of the said Academy, and the same to apply according to the will of the donors; and by gift, purchase or devise, to take, have, possess, demand and enjoy to them and their successors forever, any lands, tenements or rents of what kind or nature soever, in special confidence that the same or the profits thereof shall be applied to and for the use of the said Academy.

II. *And be it further enacted*, That the Trustees aforesaid, or a majority of them, shall have full power and authority to make such bye-laws and regulations as they may think proper, for the government and regulation of the said institution; and in case of the death, refusal to act, or removal out of the aforesaid county of Granville of any of the Trustees for the time being, the remaining Trustees or a majority of them, may elect others to supply their places.

III. *And be it further enacted*, That the Trustees of the said Academy or a majority of them, shall have full power and authority to raise, by one or more lotteries, a sum of money not exceeding two thousand pounds, for the purpose of erecting the necessary buildings, and for the general benefit and promotion of the said Academy.

CHAP. XLVII.

An Act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe.

WHEREAS it is represented to this General Assembly that there are a number of roads which have been opened and considered as public roads in said counties, which are but seldom used; and the mountainous situation of the country and other natural obstructions, render it impossible to keep them in good repair the full width and in the manner specified by the present laws of this state—For remedy whereof,

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the County Courts of Buncombe, Haywood, Burke, Wilkes and Ashe, (a majority of the acting Justices being present,) be and they are hereby authorised and directed, at the first Court which shall happen in each of said counties after the passing of this act, to proceed to fix on and determine the width which the several roads in said counties shall be kept open and in good repair: And as soon as they have fixed on and determined as aforesaid, they shall cause the Clerk to make a record of the same, and such roads shall forever thereafter be considered and deemed county roads; and all indictments or presentments against overseers of roads in the counties aforesaid, shall be exclusively tried and determined by the Courts of Pleas and Quarter Sessions for said counties.

II. *And be it further enacted*, That it shall be the duty of the Clerks of said Courts, as soon as may be, to issue orders to the several overseers of roads in said counties, which have heretofore been appointed or which hereafter may be appointed, specifying therein the width which said road shall be kept open and in good repair, according to the order of the Court.

III. *And be it further enacted*, That if either of said County Courts should by any means fail and neglect to comply with the requisites of the first section of this act, at the first Courts which shall happen in said counties after the passing hereof, it shall be lawful for such Court or Courts at any time thereafter, (a majority of the acting Justices of the Peace of said county being present,) to fix on and determine the width of roads, and do all other things by that section required of them to be done.

IV. *And be it further enacted*, That all overseers of the county roads in said counties, and the hands ordered by said Courts to work under them, shall be subject to the same rules and regulations and liable to the same fines and penalties for not keeping said county roads in such repair as the Courts may direct, as they now are or would be, for neglecting or refusing to work on public roads.

V. *And be it further enacted*, That this act shall not be construed to affect the two main public roads in said counties of Haywood and Buncombe, one of which leads from the Saluda Gap by Asheville to the Warm Springs, and the other leading from the Swannanoë Gap by Asheville to Haywood Court-house, or

to alter the present laws by which they are governed, only that presentments or indictments against overseers of the said roads shall be tried in the County Courts of said counties as specified in the first section of this act. 1811

VI. *Be it further enacted by the authority aforesaid,* That nothing heretofore contained in this act shall be so construed as to affect Hugh and Mitchell Davidson's turnpike road in the county of Haywood:— But for the better regulation of said road in future, *It is hereby enacted,* That Hezekiah Ellison be and he is hereby appointed a commissioner, whose duty it shall be to view said road at least once in every three months, and report the condition of the same to the Court of the said county; and if on the report of the said commissioner, it shall at any time appear to the satisfaction of said Court that the said road is not kept in as good repair as when received by the commissioners first appointed for that purpose, it shall then and in that case, be lawful for said Court to proceed to fine the said Hugh and Mitchell Davidson or their successors as other overseers of roads in said county.

VII. *Be it further enacted,* That the said commissioner is hereby authorised to demand of the said Hugh and Mitchell Davidson or their successors, the sum of one dollar for each and every day he is necessarily engaged in viewing said road, and on their refusing to pay the same, it is hereby declared to be recoverable by action of debt, before any jurisdiction having cognizance thereof.

VIII. *Be it further enacted,* That in case of the death, inability or refusal to act, of the commissioner hereby appointed, it shall then and in that case be lawful for the County Court of said county to appoint one to act in his place, who when so appointed shall be vested with the same privileges and entitled to the same emoluments and subject to the same rules, regulations and restrictions as if he had been appointed by this act.

XIX. *Be it further enacted,* That no indictment or presentment against the said Hugh and Mitchell Davidson or their successors as overseers of said road, shall originate elsewhere than in the County Court of Haywood.

CHAP. XLVIII.

An Act to authorise Duncan M'Farland, of Richmond county, to open and keep in repair two turnpike roads in said county.

WHEREAS an easy and speedy communication between the different parts of this state present objects of the greatest importance, by affording readier and cheaper means whereby the produce of our state may be conveyed to market; to facilitate such communications, by promoting the establishment of permanent and good roads and securing to the undertakers of such a prospect of a reasonable compensation for their expenditures,

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act Duncan M'Farland, of Richmond county, his heirs or assigns, be and they are hereby authorised to open and keep in repair, two roads in said county, to wit: One leading from M'Farland's turnpike, on Lumber river, to Haley's Ferry, on Pee Dee river, and another leading from or near the said turnpike by Laurel Hill to the South Carolina line, at or within six miles of where the stage road leading from Fayeeteville to the Long Bluff crosses the said line.

II. *Be it further enacted,* That on application of the proprietor, his heirs or assigns, the Sheriff of the said county shall within ten days after such application, summon three disinterested free-holders, unconnected with the proprietor, who shall act as commissioners to lay off the said roads, in the nearest and best directions between the above-mentioned stations and with the least injury to the lands of individuals as they may deem expedient, and where the said roads or either of them shall pass through the lands of any person the said free-holders shall assess the damage which such person shall have sustained, and shall make report of their proceedings to the next County Court to be holden for said county, to be filed in the Clerk's Office, for which service the said commissioners shall receive the sum of one dollar per day for the time which each of them shall be employed in laying off the aforesaid roads, and likewise the Sheriff shall receive the sum of two dollars per day for summoning and attending with them on the different routs, to be paid by the proprietor: And if any person through whose land either of the said roads shall pass or the proprietor of the road be dissatisfied with such damages, the County Court shall, on application of either party at the term to which the report is made returnable, direct an issue to be made up and tried by a jury at bar or on the premises—but if such applicant shall not recover a verdict more favourable to him, he shall pay the cost accruing on such suit, to be recovered as other costs.

III. *Be it further enacted,* That in order to remunerate the proprietor, his heirs or assigns, for his or their labour or expenditures in compleating and repairing the aforesaid roads, the following rates of toll are established and may be received at the gate or gates, by them erected for that purpose, to wit: On the road leading by the said M'Farland's turnpike bridge to Haley's ferry, three gates; and on the road leading from, at or near the said turnpike road to the South Carolina line, three grates; and shall receive for man and horse, five cents; for a two wheel carriage or rolling hogshead, twelve and an half cents; for every four wheeled carriage, twenty-five cents; for every head of cattle, horses, mules or asses, two and an half cents; but no gate shall be erected under the penalty of fifty dollars, to be applied to the use of the person suing for the same, until it shall be certified to the County Court by three free-holders and two Justices of the Peace, that the said road is opened and passable with safety for carriages of any description; which certificate shall be on oath of the free-holders, and filed in the Clerk's office.

IV. *Be it further enacted,* That the following description of persons may at any time pass and re-pass the said turnpike gates without the payment of any toll whatever: Persons going to or returning from any place of public worship; persons going to or returning from any election or muster, or the performance of any military duty; clergymen of every denomination, and physicians; persons going to or from any grist mill, or attending to the ordinary concerns of their families.

V. *And be it further enacted,* That it shall be the duty of the said proprietor, his heirs or assigns, to keep the said roads in good repair, that is to say: To have the same opened thirty feet wide, and all stumps shall be cut level, and other obstructions removed, at least fifteen feet in the middle of said road, and the causeways and bridges thereon shall be of the same width:—On failure thereof the said proprietor shall be liable to all damages which may happen in consequence of the said road being out of repair, and may be proceeded against in like manner as overseers of public roads, after the term allowed him or them to compleat the said roads.

1811

VI. *And be it further enacted*, That if any person or persons shall wilfully or mischievously break down or injure any gate set up on the aforesaid roads, or wantonly knock down any sign board or mile post, or by any means obstruct a free passage on said roads or any part thereof, the proprietor of said roads or any of them, shall be entitled to recover the sum of fifty dollars for every such offence, before any jurisdiction having cognizance thereof, which fines or forfeitures shall be applied to the repair of the aforesaid road or roads.

VII. *And be it further enacted*, That if any person shall forcibly pass or attempt to pass, or go round any of the aforesaid gates which may be erected, without first having paid the legal toll, such person or persons shall forfeit and pay the sum of five dollars, to be recovered by the proprietor of said turnpike before any jurisdiction having cognizance thereof; and if any person or persons, with his, her or their horse team, shall turn out of said roads or either of them with an intent to evade the payment of the toll, and shall again enter on said road or roads, such person or persons shall pay treble the toll which should have been previously paid at such gate, to be recovered by the proprietor before any jurisdiction having cognizance thereof.

VIII. *And be it further enacted*, That no person shall be detained at any gate erected on either the aforesaid roads more than fifteen minutes after having made a tender of his, her or their toll, under the penalty of one dollar for every fifteen minutes which they may be necessarily detained thereafter, to be applied to their own use.

IX. *Be it further enacted*, That no person or persons who is or are exempt from paying toll on any or either of said roads shall be detained at any gate or gates a longer time than fifteen minutes, under the penalty of five dollars for every such offence, to be recovered of the said Duncan M'Farland, his heirs or assigns, proprietor or proprietors of said road or roads, before any Justice of the Peace for Richmond county, to be applied to the use of the person suing for the same.

X. *And be it further enacted*, That it shall not be hereafter lawful for the County Court of Richmond to direct the laying off of any public road, running parallel therewith, within five miles below or above the aforesaid turnpike roads, or within the limits of that distance to any of the said roads: *Provided always*, That nothing herein contained shall be construed to affect any road in said county which has heretofore been deemed and considered a public road.

XI. *And be it further enacted*, That it shall be the duty of the said Duncan M'Farland and every future proprietor or proprietors of said roads or either of them, annually at the first term of the Superior Court to be holden for said county, after the first day of January in each and every year, to render a fair statement on oath, either by themselves or agents, to be filed in the Superior Court Clerk's office of said county, of all the monies which they may have received as toll from persons which have passed the said gates respectively, and likewise of all the expenditures in making and keeping in repair the said roads, under the penalty of one hundred dollars, to be recovered before any jurisdiction having cognizance thereof, one half to be applied to the use of the county and the other half to any person suing for the same: And whenever the nett proceeds of toll collected shall amount to a sum sufficient to reimburse the capital expended in making and keeping the said road in repair and twelve per cent. interest per annum thereon, to be ascertained by the Superior Court of law for said county on application of any person, then the same shall become free roads and toll shall no longer be collected thereon.

XII. *Be it further enacted*, That the said roads shall be opened and in repair pursuant to the requisitions of this act within five years from the first day of January next, otherwise this act shall expire.

XIII. *And be it further enacted*, That all acts and clauses of acts coming within the meaning and purview of this act, be and the same are hereby repealed and made void.

CHAP. XLIX.

An Act to authorise certain Commissioners therein named to raise by way of Lottery a sum of money to build a bridge across Uharie River, in the County of Randolph.

WHEREAS it is deemed necessary that there should be a bridge built across Uharie River, at Lassiter's Ford, in the county of Randolph, for the better convenience of the inhabitants thereof:

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Lax, sen. Micajah Lassiter, William Ingram, Whitlock Arnold, Colin Steed, Jesse Shaw and William Thornborough, Esq's. be, and the same are hereby authorised and empowered to raise by way of lottery or lotteries a sum of money not exceeding eight hundred dollars for the purpose of building a bridge across the said river.

II. *And be it further enacted*, That the Commissioners aforesaid, before they enter on the duties of their office, shall give bond with good and sufficient securities in the sum of sixteen hundred dollars, payable to the Chairman of the County Court of Randolph, and his successors in office, for the faithful performance of their duty; and for the due and effectual payment of the prizes thereof, according to such scheme or schemes as they or a majority of them shall think proper to adopt.

III. *And be it further enacted*, That the acting Commissioners aforesaid or a majority of them, are hereby authorised and empowered to contract with some person or persons to build and compleat the said bridge: *Provided always*, That the said bridge when built, shall be deemed a publick highway, and free for all persons whatsoever to pass the same.

CHAP. L.

An Act to authorise a Lottery for the purpose of building a bridge over Tar River, at Greenville, in the county of Pitt.

BE it enacted by the General Assembly of the State of North-Carolina, That Robert Williams, Jordan Sheppard, James Sheppard, George Greene, Richard Evans, Arthur Forbes, David Smith, M. Mordecai, John Mooring, George Eason and Frederick Bryant, of the county of Pitt, be, and they are hereby appointed Commissioners for the purpose of carrying into effect the objects in this act after mentioned.

II. *Be it further enacted*, That the said Commissioners or a majority of them, are hereby authorised to raise by way of one or more lotteries, any sum not exceeding two thousand dollars.

III. *Be it further enacted*, That the said Commissioners or a majority of them, shall before they sell or cause to be sold any tickets by virtue of the authority hereby granted, give bond and security to the satisfaction of the County Court of Pitt, payable to the chairman thereof and his successors, conditioned

for the fair conducting of said lottery or lotteries, according to such scheme or schemes as they shall adopt or make publick, and for payment, at or within the times set forth in such scheme or schemes, of the prizes which shall be drawn; which bond may be put in suit without assignment for the benefit of any person injured by their misconduct or refusal to pay such prizes, at the time and in the manner set forth in such scheme or schemes as they the said Commissioners may promulge.

IV. *And be it further enacted*, That the said Commissioners or a majority of them, as soon as the drawing of the said lottery or lotteries are completed, shall contract with an artist competent to perform the work, to build a bridge across Tar River, at such place within the limits of the town of Greenville, as the said commissioners or a majority of them may deem most convenient, and the profits arising from the said lottery or lotteries shall be applied to pay the cost of the same: *Provided always*, the said bridge when built, shall be a common highway and free for all persons to pass over.

V. *And be it further enacted*, That the aforesaid bridge shall be made of open arches, so as not to obstruct the passage of fish or boats.

CHAP. LI.

An Act to amend an act passed in the year one thousand eight hundred and nine, entitled "An Act to establish a Turnpike Road on a road leading from Bancombe Court-House, over the Saluda Gap to the South Carolina line."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Samuel King, sen. Andrew Erwin, Samuel Willson, George Story and Thomas Rhodes, be, and they are hereby appointed Commissioners for the purpose of carrying the above recited act into effect in the room and stead of those appointed by the second section of the said act; and it is hereby declared that the commissioners appointed by this act, shall be vested with the same power and authority as those appointed in the section of the above recited act as aforesaid; and the acts and decisions of a majority of the said Commissioners shall be in all cases considered binding and effectual as far as relates to the performance of duties thereby enjoined.

II. *And be it further enacted*, That all acts and clauses of acts coming within the meaning and purview of this act, be, and the same are hereby repealed.

CHAP. LII.

An Act to vest in Robert Perry the exclusive benefit which may hereafter arise from a Turnpike which was heretofore granted to his father, Jesse Perry, in the county of Perquimans.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the benefit which may hereafter arise from the turnpike road, which was heretofore granted to Jesse Perry of the county of Perquimans, be and the same is hereby vested in his son Robert Perry, his heirs or assigns, fully and absolutely for the term of fifty years from the passing of this act; and shall be allowed the following toll, to wit: for every chair and horse, two shillings and sixpence; for every man and horse, one shilling and six-pence; for every cart and one horse, two shillings and six-pence; for every cart and two horses, three shillings; for all four wheel carriages of pleasure, the sum of one shilling per wheel, and one shilling per horse; and all waggons at the same rates; single horse one shilling; cattle, six-pence each, and hogs and sheep, three pence each; any law, usage or custom to the contrary notwithstanding.

II. *And be it further enacted*, That in case the said Robert Perry, his heirs or assigns, shall neglect or refuse to have the said road in condition for the safe passage of persons on horse or in carriages, within the term of five years from the passage hereof, all his right and title to the said road in him invested by this act shall cease.

CHAP. LIII.

An Act to alter the times of holding the County Courts of Pleas and Quarter-Sessions for the county of Carteret.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, the Courts of Pleas and Quarter-Sessions to be held for the county of Carteret, shall be held at the court-house in Beaufort, on the third Mondays in February, May, August and November, in each and every year hereafter, under the same rules and regulations as are already established by law for said Courts; and all causes now pending in said Courts of Pleas and Quarter-Sessions, shall stand adjourned until the third Monday in May next, and all process and proceedings shall be made returnable accordingly; And so much of the law now in force as authorizes the Court of Pleas and Quarter-Sessions to be held on the third Monday in March, June, September and December, be and the same is hereby repealed and made void.

CHAP. LIV.

An Act to repeal an Act passed in the year one thousand eight hundred and ten, entitled 'An Act to regulate the time and manner of holding the County Courts of Pleas and Quarter-Sessions in the county of Moore, and to make compensation to Jurors for said County, and for other purposes.'

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the first and second sections of the act passed in the year one thousand eight hundred and ten, entitled 'An act to alter and regulate the time and manner of holding the County Courts of Pleas and Quarter-sessions in the county of Moore, and to make compensation to jurors for said county,' be, and the same are hereby declared to be repealed and made void; and also that the third section of the said act above recited, shall from and after the third Monday in May next, be, and the same is hereby declared to be repealed and made void.

II. *And be it further enacted*, That the Court of Pleas and Quarter-Sessions for the county of Moore, a majority of the acting Justices of said county being present, shall have full power and authority to allow to each juror of the original pannel, who may attend any of the Courts of said county, in case they shall deem the same expedient, a sum not exceeding six shillings for each day's attendance, and the same for every thirty miles travelling to and from said Courts, as a compensation for their service; and that the monies so allowed, shall be levied and collected as other county taxes.

III. *And be it further enacted*, That in case jurors of said county of Moore shall be allowed compensation for their services by virtue of the second section of this act, it shall be the duty of the Clerks of the Superior and County Courts of said county, to grant to each juror a certificate, setting forth the

1811 number of days he has attended Court, and the number of miles he has travelled, when he shall have returned to his place of residence: for each of which certificates by them granted, the said Clerks shall be entitled to receive seven and an half cents.

CHAP. LV.

An Act to regulate the County Courts of Richmond county.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That no issues in civil or criminal cases, shall be tried by the Court of pleas and quarter-sessions of Richmond county, except at the terms of said Court held in June and December, in each year.

II. *Be it further enacted,* That the said Court, at the terms to be held in March and September, shall possess all the powers which they formerly exercised, except trying causes by jury at bar, and impannelling a grand jury.

III. *Be it further enacted,* That this act shall be in force from and after the term of said Court which shall happen in March next; any law to the contrary notwithstanding.

CHAP. LVI.

An Act to regulate the County Courts of Buncombe and Rutherford, in future.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future the County Court of Buncombe shall be held on the first Monday in January, the first Monday after the fourth Monday in March, the first Monday in July, and the first Monday after the fourth Monday in September, in each and every year; and that no jury shall be summoned to attend said Court, except at January and July terms.

II. *Be it further enacted,* That the witnesses in civil cases and on behalf of the State, defendants in criminal cases, and their securities, shall be bound to appear at no other term than January and July, in each and every year; any law to the contrary notwithstanding.

III. *And be it further enacted,* That it shall be the duty of the County Court at the next January sessions, to adjourn Court until the first Monday after the fourth Monday in March, and shall after that time hold their sessions agreeable to the directions of this act, and not otherwise.

IV. *And be it further enacted,* That the County Court of Rutherford shall not direct any jury to be summoned to attend at April or October Courts. All jury causes shall stand adjourned from January Court until July Court, and from July until January Court, in each and every year; any law or custom to the contrary notwithstanding.

CHAP. LVII.

An Act to alter the time of holding the County Court of Pleas and Quarter Sessions in the county of Caswell.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the County Court of Pleas and Quarter Sessions to be held for the County of Caswell on the fourth Monday in January next, the said Courts shall be held on the second Monday in January, April, July and October, in each and every year, and the said Court to be held on the fourth Monday in January next, shall continue and adjourn all suits and other business then remaining before said court unfinished, to the second Monday in April next following, and all process issuing from said Court shall be made returnable accordingly.

II. *And be it further enacted,* That all acts and clauses of acts which come within the meaning and purview of this act are hereby repealed and made void.

CHAP. LVIII.

An Act to provide for the payment of witnesses in the County of Hyde.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That every witness who may have been legally summoned to give evidence in any suit now depending in the County or Superiour Courts of the county of Hyde, or who may be hereafter summoned to give evidence in any suit now depending or which hereafter shall be pending in the County or Superiour Courts of the said county, shall be allowed eight shillings per day, for each and every day he may attend either of the said Courts as a witness, and ten shillings for every thirty miles travelling to and from the said Courts, together with all such tolls and ferriages as such witness may be compelled to pay in travelling to and from the said Courts; which allowances shall be collected, recovered and proved in the same manner and under the same rules and restrictions, as witness tickets are now collected.

CHAP. LIX.

An Act making compensation to such persons as shall hereafter serve as Talis-Jurors in the several Courts of Robeson County:

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That each and every person who shall hereafter be summoned as a Talis-Juror in the courts of Pleas and Quarter Sessions or in the Superiour Court of Robeson County, and shall actually serve as such during the day for which he or they were summoned, or during the time the Court shall sit, shall be allowed the same pay as is already provided by law for original Jurors, and shall obtain certificates from the Clerk for his or their attendance in the same manner, and under the same rules, regulations and restrictions as other jurors do; any law, usage or custom to the contrary notwithstanding.

CHAP. LX.

An Act making additional compensation to Witnesses who may hereafter attend the several Courts for the county of Halifax.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That each and every person who shall hereafter be compelled by process to attend any of the Superior Courts or Courts of Common Pleas and Quarter Sessions, which may be held for the county of Halifax, as a witness in any prosecution, action or suit, shall be allowed the sum of ten shillings current money for each day's attendance, and the like sum for every thirty miles travelling in going to and returning from the said Courts, together with all lawful ferriage or toll by them expended in crossing rivers and other water courses—which attendance, mileage, ferriage or toll shall be proven by the persons serving, and collected and paid over to them or their lawful attorneys in the same manner and under the same rules, regulations, penalties and restrictions as are now by law provided.

II. *And be it further enacted*, That all persons who heretofore may have attended any of the Courts held for the aforesaid county of Halifax as a witness in any prosecution, action or suit which is yet undetermined, and who shall not have proven their attendance, mileage, ferriage or toll previous to the passage of this act, shall be at liberty to prove the same at the term of the Court next ensuing the passage thereof or at any other Court that may happen before or at the final determination of such prosecution, action or suit, in which probate they shall under the same regulations and restrictions be allowed the same pay or compensation as is herein before allowed to those who may hereafter attend as witnesses aforesaid.

CHAP. LXI.

An Act directing the number of Jurors who shall hereafter be drawn to attend the Superior Courts of Lincoln and Mecklenburg counties.

WHEREAS the business of the Courts above-named, is in many instances delayed through the non-attendance of jurors drawn on the original pannels—and whereas the summoning so many talismen has a vexatious influence on many of the citizens of the said counties who attend the Courts on their own private business—For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall hereafter be the duty of the County Courts of the said counties of Lincoln and Mecklenburg, at their respective sessions next before the setting of any Superior Court to be held for the said counties, to draw forty-eight instead of thirty jurors, to attend each and every Superior Court of the said counties.

CHAP. LXII.

An Act to exempt certain persons from serving on juries in the county of Hyde.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of May next, no person who shall have arrived at the age of sixty years, or who may hereafter arrive at that age, shall be compelled to serve as a juror in any Court to be held within the county of Hyde.

CHAP. LXIII.

An Act to repeal the third section of an Act, passed in the year one thousand eight hundred and nine, entitled 'An Act to amend an Act, entitled 'An Act to make compensation to jurors in Richmond county.'

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the third section of the above recited act be, and the same is hereby repealed and made void.

CHAP. LXIV.

An Act for the better regulation of the town of Wilmington, and to lay a tax to build a Jail in New-Hanover county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the town of Wilmington, be, and they are hereby authorised to enlist at their discretion, such number of persons for the purpose of forming a regular guard and night watch, as they may from time to time think proper, subject to such rules of discipline and punishment for neglect of duty or misbehaviour, as the said Commissioners shall establish—*Provided*, That the punishment be confined to fine and imprisonment.

II. *And be it further enacted*, That for the purpose of enabling the said Commissioners to support such guard, they are hereby empowered to lay an additional annual tax, as follows: On each and every horse kept within the town, not exceeding fifty cents per head; and on all four-wheel carriages, not exceeding two dollars; on all two-wheel carriages for hire or pleasure, not exceeding one dollar; on all drays and carts employed for hire, not exceeding two dollars; on all transient persons keeping stores or shops in the said town, twenty-five dollars.

III. *And be it further enacted*, That the said Commissioners shall have power to make such rules, orders and regulations respecting carts and drays kept for hire, as to them shall seem necessary and proper.

IV. *And be it further enacted*, That if any person or persons shall obstruct the drains leading through the said town, or the owners of lots through which they pass, refuse or neglect to open the same within thirty days after notice from the said Commissioners to do so, the Commissioners aforesaid are authorised to levy a fine of ten dollars on the person or persons so offending; and the like fine on any person who shall refuse or neglect to comply with their ordinances respecting dogs or other animals running at large in the said town, or to kill such dog or other animal so running at large, when danger is apprehended from canine madness.

V. *And be it further enacted*, That the Commissioners aforesaid, are authorised generally to levy a fine not exceeding ten dollars, on every person who shall refuse or neglect to comply with their ordinances.

VI. *And be it further enacted*, That the Commissioners aforesaid are authorised to lay and collect the following tax: For every permission to keep an ordinary, two dollars; on every permission to retail liquors by the small measure, to settled inhabitants paying a town-tax, one dollar; on every permission to transient persons to retail liquors by the small measure, two dollars.

VII. *And be it further enacted*, That on all trials whatever, before the said Commissioners, for any breach of the rules and ordinances established by them for the government and police of said town, they or any two of them are hereby invested with the powers and authorities of Justices of the Peace, and any one of them shall have authority and power to commit in any case whatever, where the peace is broken, or any disorderly outrage is about to take place.

VIII. *And be it further enacted*, That the Sheriff of New-Hanover county, hereafter to be appointed, shall enter into bond and security, in the sum of two thousand five hundred dollars, conditioned that he faithfully collect and account for the town taxes.

IX. *And be it further enacted*, That for the purpose of building a new Jail, or repairing the old one, in the county of New-Hanover, as may by a majority of the acting Justices of the Court of pleas and quarter-sessions of that county, be deemed most expedient, a tax of one shilling on each poll, a tax of four pence on every hundred acres of land, and a tax of one shilling on every hundred pounds value of

1811

town property in the county of New-Hanover, be and is hereby levied and shall be collected in the year one thousand eight hundred and thirteen, by the Sheriff of said county, at the same time and in the same manner, and under the same rules, regulations and restrictions, and with the same emoluments, that county contingent taxes are levied and collected; and shall pay and account for the same with the Treasurer of Public Buildings for the county of New-Hanover aforesaid: And it shall be the duty of the said Treasurer of Public Buildings, and he is hereby required to enter up judgment against such Sheriff, on his failing to account and finally to settle in due time, in any Court of record having cognizance thereof.

X. *And be it further enacted*, That the County Court of New-Hanover, a majority of acting Justices being present, is hereby authorised and required to levy and collect a further tax to enable the Commissioners for building the Jail aforesaid, to compleat the said Jail, *Provided*, the tax by this act laid shall be insufficient.

CHAP. LXV.

An Act to appoint commissioners to contract with Thomas B. Littlejohn for fifty acres of land to erect a town upon, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Colonel Robert Burton, Colonel Charles Eaton, Doctor John Hare, Robert Jeter, and Benjamin Hilliard be, and they are hereby appointed Commissioners, who, or a majority of them, are hereby invested with full power and authority to purchase (on condition that they can obtain it at a fair and equitable price, taking the local situation and other circumstances into consideration) of Thomas B. Littlejohn, fifty acres of land around the court-house in Granville county; which land when purchased by said Commissioners shall be by them laid off into a town by the name of Oxford, in such manner and in lots of such size as they or a majority of them may think proper: *Provided*, That if the said Commissioners or either of them shall die or refuse to act, then and in that case it shall be the duty of a majority of the acting Justices of the Peace of the county aforesaid, at their next term after having been fully apprized of such death, or refusal to act, if either should occur, to fill such vacancy or vacancies.

II. *Be it further enacted*, That the said Commissioners herein named or a majority of them, or the Commissioners who may be appointed in pursuance of this act, or a majority of them, are hereby invested with full power and authority to purchase and receive titles for the said fifty acres of land, and to sell and make titles to the same in as full and ample a manner as other titles in law.

III. *Be it further enacted*, That the said Commissioners or a majority of them are hereby authorized and directed to lay off or cause to be laid off, the said fifty acres of land in such manner that the court-house of said county shall be as nearly in the centre of said town as practicable: *Provided*, the eastern boundary of said fifty acres shall not extend on the north side of the road leading from the court-house to Merittsville, more than the width of a street east of the spring path leading from the jail to the spring, which spring shall be included in the purchase, and reserved with the necessary quantity of ground around it for public convenience: *And provided further*, that the buildings belonging to said Littlejohn near the Court-house, and the necessary quantity of ground around them for yards, a garden, and horse lot shall be excepted though within the limits of the said town.

IV. *Be it further enacted*, That the said Commissioners or a majority of them are hereby authorised and directed to sell on or before the twenty-fifth day of June next the said lots at public vendue, on a credit not exceeding twelve months, giving at least thirty days notice of such sale, and to take bonds with good and sufficient security from the purchasers payable to the county trustee, which bonds the said commissioners are hereby directed to deliver over to the said county trustee whose duty it shall be to collect the said bonds, and to pay the monies arising therefrom, or so much thereof as shall be sufficient to meet the demands of the said Thomas B. Littlejohn for the purchase of said fifty acres of land: *Provided*, That in case the said Thomas B. Littlejohn should be willing to receive in payment bonds taken by said commissioners for the sale of said lots, it shall then and in that case be the duty of the county trustee to endorse and deliver to said Littlejohn as many of said bonds as will satisfy the demands of said Littlejohn for the purchase of said fifty acres of land.

V. *Be it further enacted*, That if said lots do not sell for a sum sufficient to discharge the bond or bonds which may be given by the said Commissioners or a majority of them for the said fifty acres of land, then and in that case the County Court of Pleas and Quarter Sessions of said county of Granville, at their next term succeeding the sale of said lots shall and are hereby authorised and directed to lay a tax to meet the deficiency; which tax shall be collected as other taxes, and paid into the hands of the County Trustee, and by him to be applied to the purpose for which the same was laid.

VI. *Be it further enacted*, That the said Commissioners or a majority of them, are hereby required and directed to reserve five lots, containing one acre each, in the most eligible situation for stores or taverns, to be disposed of at such time and in such manner as a majority of the acting Justices of the Peace for said county may direct—*Provided*, That neither of said lots shall be sold to any person or persons on any other terms than conditioned, that if such purchaser or purchasers do not within two years from the day of their purchase, cause buildings to be erected on each of said lots, to the full value of three hundred pounds: *And provided further*, That if they or either of said purchasers of any of said lots, shall fail to comply with the first provision in this section, such lot or lots, after two years shall have expired, shall revert to and again become the property of the said county of Granville, and again be disposed of in the same manner as directed in the first provision of this section.

VII. *Be it further enacted*, That the Commissioners herein named, and those who may be appointed in pursuance of this act, shall receive two dollars for each and every day they may be employed in discharging the duties prescribed to them by this act; and they are hereby invested with power and authority to employ a surveyor to lay off said land and town, who shall receive the sum of four dollars for each and every day he may be engaged in performing the said work; which money shall be paid by the County Trustee for the said county of Granville.

CHAP. LXVI.

1811

An Act to amend an act, entitled "An act for the better regulation of the town of Fayetteville."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That persons residing without the limits of the town of Fayetteville, who shall in future claim the benefit of this act, shall render to the town Clerk of the Commissioners of Fayetteville in writing, the ear marks of their hogs—and if the hogs of such persons shall in future be found running at large within the limits of said town, they may be taken up and pounded by the town constable, who shall within twenty four hours thereafter give notice to the owner of said hogs, that they are taken up and pounded, and shall for such service be entitled to and receive two shillings for every head of hogs so pounded from the owner thereof, and shall in case of the failure or refusal of such owner to pay, be entitled to recover the same by warrant before a Justice of the Peace. And if the owner of said hogs so pounded shall not remove the same, upon such notice being given within thirty six hours thereafter, the town constable may proceed to sell said hog or hogs so pounded at auction, without further notice at the town house, and one third of the price thereof shall pay to the Town Treasurer and the residue thereof to the owner of said hog or hogs.

II. And be it further enacted, That if any person residing within the limits of said town shall kill, maim or wound any hog or hogs of persons residing without the limits of the town, who shall have rendered the ear marks of his hogs as by this act is required, such persons shall be liable to an action on the case for damages to the person aggrieved; any law, usage or custom to the contrary notwithstanding.

III. And be it further enacted, That hereafter it shall not be lawful for the Commissioners of the Town of Fayetteville as aforesaid, to purchase in their corporate capacity, out of the funds of the town, any estate real or personal, unless there be at least five of their number present and consenting to such purchase, nor shall it be lawful for the said Commissioners to sell any estate real or personal, which now does or hereafter may belong to them in their corporate capacity, or which does or may belong to the town, unless the whole number of the Commissioners be present, consenting and agreeing to such sale; at the time when the order for such sale shall be made in their board.

CHAP. LXVII.

An Act to explain and amend the first section of an act passed in one thousand eight hundred and six, so far as respects the division of the city of Raleigh into three Wards.

WHEREAS it is found and discovered that the division of the city as prescribed by the aforesaid act of one thousand eight hundred and six, is unequitable, and the boundaries of each Ward not so precisely described as to prevent disputes, and that said division into Wards is not, nor neither can be as was intended, viz. that the Eastern and Western Wards should receive all the taxes, and leave the main street north from the State-House, called Halifax street, for the Middle Ward to keep in order; and as the division now is, the Commissioners of the Eastern Ward do collect and receive all the taxes on the east of said street, and those on the west receive all on the west of said street, leaving the naked street to the Middle Ward to keep in order. Although the Commissioners of the Eastern and Western Wards acknowledge there is no equity for them to receive the taxes and leave the naked street for the Middle Ward to keep repaired, consider that they are bound to act agreeably to the law of one thousand eight hundred and six. The Commissioners of the Middle Ward have always been willing to act justly, to give them the taxes and they will keep the streets in repair: For remedy whereof,

Be it enacted, That the division of the three several wards shall be in the following manner, to wit: first, the Middle Ward shall be bounded on the north and south by the town commons land, or to the utmost limits of the town to the north and south; the centre of Wilmington and Salisbury streets from one end of the town to the other shall be the boundary lines of the Middle Ward; and all that part of the town from the centre of Wilmington street to the east, shall be the Eastern Ward; and all the other part of the town from the centre of Salisbury street to the west, shall be the Western Ward; and hereafter each Ward shall work to the centre of each of said streets, and that shall be considered the boundary lines from and after the passing of this act.

II. And be it further enacted, That all acts and clauses of acts that come within the meaning of this act, are hereby repealed and made void.

III. Be it further enacted, That a majority of the Commissioners of each Ward when convened, shall, and they are hereby incorporated and known by the name of 'The General Board of Commissioners,' and they are hereby authorised to do and transact all such business as a body corporate, in as full and compleat a manner as the several separate wards now do.

IV. And be it further enacted, That in case of the absence, resignation or death of the Intendant of Police, that any Justice of the Peace whose residence is in town, shall, and they are hereby authorized and empowered to act in said Intendant's capacity, in as full and compleat a manner, as the said Intendant could or might do, were he himself personally present.

V. And be it further enacted, That this act shall be in force from and after the first day of January, one thousand eight hundred and twelve.

CHAP. LXVIII.

An Act to establish a Town on the lands of William Blackburn, in the county of Wilkes.

WHEREAS it is represented to this General Assembly, that it would conduce to the convenience and interest of the inhabitants of the county of Wilkes, to establish a town in said county, on the lands of William Blackburn; and that the said William Blackburn hath signified his assent to dispose of a part of his lands in said county, for the purpose aforesaid:

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Samuel Johnson, John Sparks, George Whisley, &c, and they are hereby appointed Commissioners for the purpose of laying off a Town on the lands of William Blackburn, in the county of Wilkes, now known by the name of 'The Trap;' which Town shall be known by the name of Johnsonville: And the said Commissioners are hereby authorised and directed to appropriate fifty acres of land of the said Blackburn, in the county aforesaid, to the purpose aforesaid, and to divide the same in lots of one acre or half an acre each, as to the said Commissioners shall seem most advisable, intersected at convenient distances by streets and alleys—Which lots so laid off, the said

1811 Commissioners shall sell at public sale to the highest bidder, on a credit of twelve months, after having given notice of such sale at least thirty days previous thereto, in three or more public places in said county; and for the proceeds of the sales of said lots, it shall be the duty of the Commissioners hereby appointed, to take bonds, with good and sufficient security, payable to the said William Blackburn; and shall deliver the said bonds to him as a full compensation for the land appropriated to the said Town, upon his, the said Blackburn's joining with the said Commissioners in making all proper and legal conveyances which shall by the said Commissioners be deemed necessary to transfer to and vest in the respective purchasers of said lots, a fee simple estate in the same: *Provided always*, That any act or acts done by a majority of the Commissioners appointed by this act, shall be as good and valid to all intents and purposes, as if done by all of them.

CHAP. LXIX.

An Act to establish a Town at Greene Court-house.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Benjamin Evans, William Holliday, Blaney Harper, sen. Richard Allen, and Thomas Holliday, be, and they are hereby appointed Commissioners to lay off for a Town at the Court-house aforesaid, as much land as they may deem necessary, not exceeding forty-five acres, into lots of one acre or half acre, as to them may appear advisable, with the intersection of convenient streets and allies; and when so laid off, the said Town shall be called and known by the name of Snow Hill.

II. *And be it further enacted*, That when the said Commissioners shall have laid off the said Town as aforesaid, they shall sell and dispose of the said lots at public sale, giving at least thirty days previous notice of such sale, at three of the most public places in said county, on a credit of six months, the purchaser giving bond with approved security: And the money arising from the sale of such lots, after defraying all incidental expences, shall be paid unto the proprietor or proprietors of said lands, who are by this act, together with the Commissioners, invested with the sole power of executing conveyances for the said lots: And in all matters and things relative to the said Town, a majority of the said Commissioners shall constitute a quorum, with power to make and establish all such rules and regulations as to them may appear most conducive to the interest of said Town.

III. *And be it further enacted*, That this act shall not be construed so as to interfere with the lands now laid off for the use of the Court-house and other public buildings, except as to a street or streets.

CHAP. LXX.

An Act to establish a Town on the lands of Richard Cunningham and Jesse Lester, in the county of Surry.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Obediah Martin, Benjamin Martin, Daniel Dejarnatt, William M^r Bryde and Richard Wilbourn, be, and they are hereby appointed Commissioners for the purpose of laying out a Town on the lands of Richard Cunningham and Jesse Lester, in the county of Surry; which Town shall be known by the name of Martinsborough: And the said Commissioners or a majority of them, are hereby authorised and directed to appropriate as many acres as may appear to them expedient, of the lands of the said Cunningham and Lester, in the county aforesaid, for the purpose of laying off the said Town; and they are also required to divide the same into lots of one acre or half an acre each, as to them may appear most advisable, intersected at convenient distances by streets and alleys: Which lots so laid off, the said Commissioners shall sell at public sale to the highest bidder, on a credit of twelve months, after having given notice of such sale, at least thirty days previous thereto, in three or more public places in said county: and for the proceeds of the sale of said lots, it shall be the duty of the said Commissioners to take bonds, with good and sufficient security, payable to the said Richard Cunningham and Jesse Lester, and shall deliver the said bonds to them, as full compensation for the land appropriated to the said Town, upon the said Richard Cunningham and Jesse Lester joining with the said Commissioners in making all proper and legal conveyances, or jointly by themselves, vesting and transferring in the respective purchasers of said lots, a fee simple estate in the same: *Provided always*, That any act or acts done by a majority of said Commissioners, shall be good and valid to all intents and purposes as if done by all of them.

CHAP. LXXI.

An Act to amend an Act, passed in the year one thousand seven hundred and ninety, entitled 'An Act to establish a Town at the place fixed on for the Court-house in the county of Stokes.'

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Charles Banner, Isaac Dalton, and Jeremiah Gibson, be, and they are hereby appointed Commissioners of the town of Germanton, in the room of those appointed by the above recited act, who have since deceased: And the said Commissioners hereby appointed, are vested with the same power and authority, and governed by the same rules, regulations and restrictions, as were prescribed by the above recited act, for the present Commissioners of said town.

CHAP. LXXII.

An Act to amend an Act, entitled 'An Act for the better regulation of the town of Edenton,' passed at Raleigh in the year one thousand seven hundred and ninety-eight

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That at all future elections of Commissioners for the town of Edenton, only three persons shall be chosen, who shall be and are hereby * with as full powers as Commissioners appointed under the before recited act, passed in one thousand seven hundred and ninety-eight; and during their continuance in office as Commissioners, shall be exempt (except in cases of insurrection or invasion) from all other publick services.

II. *And be it further enacted*, That the Commissioners shall have power to pass such ordinances, regulating or interdicting any intercourse by land or by water, between the town of Edenton and any place in which there may exist a contagious disease, as they may deem proper, for the security of the said town; and also full power of enforcing compliance with, and of observance of, all such ordinances, by laying fines and penalties not exceeding fifty pounds for each offence, together with expence of the Commissioners in carrying such ordinances into execution, to be recoverable before any jurisdiction having cognizance thereof.

* The word *vested* omitted in the original.—(Printer.)

III. *And be it further enacted*, That should any Commissioner be absent from town or sick, inso-much as to be unable to attend to his duties as Commissioner, it shall be lawful for any Magistrate residing in the town, to act as Commissioner in his place, during such absence or sickness.

IV. *And be it further enacted*, That if the Sheriff of Chowan county neglects to open the polls on the first Monday of April in each and every year, for the annual election of Commissioners, as required by the act of one thousand seven hundred and ninety-eight, it shall be his duty to do it within twenty days thereafter, (first giving ten days notice) at the place and in the manner directed by the said act, under the penalty of seventy-five pounds, recoverable by action of debt in the court of Chowan county, by and in the name of the Commissioners of the town of Edenton, whose duty it shall be to sue for the same for the use of the town; and that, in the event of no election of Commissioners at the annual periods before directed, the Commissioners of the preceding year shall continue in office and perform the duties thereof, until the next annual election shall take place according to law.

V. Whereas there were no Commissioners elected on the first Monday in April last—*Be it further enacted*, That the Commissioners last elected, may act as Commissioners from and after the passing of this act, until the next annual election.

VI. *Be it further enacted*, That so much of the before recited act, passed in seventeen hundred and ninety-eight, as comes within the purview and meaning of this act, be, and the same is hereby repealed.

CHAP. LXXIII.

An Act to amend an Act, passed in the year one thousand seven hundred and eighty-six, for establishing a Town in Wayne county, by the name of Waynesborough.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Cullen Blackman, Isaac Handby, John Davis, Joseph Edwards, Nicholas Washington and Henry Brownrigg, be, and they are hereby appointed the only true and lawful Commissioners to superintend and regulate all the business of the said town of Waynesborough; and they are hereby invested with full power and authority to bring suits for and recover all former balances, due to or from the former Commissioners or Trustees appointed for the aforesaid town by the aforesaid act, passed in one thousand seven hundred and eighty-six; and they are also empowered to give this law in evidence; and they are hereby required to pay all balances due from the former Trustees named in the aforesaid act, so far as effects come into their hands.

II. *And be it further enacted by the authority aforesaid*, That the Commissioners aforesaid, to wit: Cullen Blackman, Isaac Handby, John Davis, Joseph Edwards, Nicholas Washington and Henry Brownrigg shall be, and they are hereby invested with full power and authority to meet together as often as they find it necessary, to make deeds where none have been made, and where they have been made and not recorded, to take them up and make new ones; also to make all such laws and decrees as they shall think advisable, for the improvement and advantage of the said town: And all the acts and deeds of a majority of the Commissioners in this act recited, shall be and they are hereby made binding on all parties concerned, both in law and equity; any law to the contrary notwithstanding:—And it is also provided, that a majority of the Commissioners aforesaid, shall have power to appoint others in case of vacancies, who shall possess the same powers as those do who are appointed by this act.

III. *And be it further enacted by the authority aforesaid*, That the above named Commissioners shall have full power and authority to sell and convey such part of the town commons in Waynesborough, as they or a majority of them may deem convenient, on such terms as may seem most advisable to them, for the benefit of said town; and the money arising from the same sales, shall be paid over to the County Trustee of Public Buildings, for the purpose of building or repairing the court house in said town.

IV. *And be it further enacted* That all laws and clauses of laws which come within the meaning and purview of this act, are hereby repealed and made void.

CHAP. LXXIV.

An Act to empower the Commissioners of the town of Hillsborough to lay an additional tax on the inhabitants of said town, for the purpose of repairing the streets.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Commissioners of the town of Hillsborough, or a majority of them, be, and they are hereby empowered to lay an additional tax on the inhabitants of said town, not exceeding ten shillings on the poll, ten shillings on every hundred pounds value of town property, and five shillings on every wheel attached to a carriage of pleasure; for every unimproved lot (if the valuation shall not exceed twenty-five pounds) the sum of two shillings and sixpence; and where the valuation exceeds the sum of twenty-five pounds for every unimproved lot, the proprietor shall pay at the rate of ten shillings for every hundred pounds value as aforesaid: And the said Commissioners or a majority of them, are authorised to continue the said tax annually, until a sufficient sum of money is raised thereby, to enable the Commissioners aforesaid to defray the expenses of repairing and keeping in good order the streets of the said town; and the said tax when collected, shall be applied in the manner which a majority of the said Commissioners may deem the most advisable and conducive to the interest and improvement of said town, and of carrying the purposes of this act into effect: *Provided nevertheless*, That this act shall not be construed to authorise the Commissioners aforesaid to lay any tax whatever on female slaves.

CHAP. LXXV.

An Act to authorise and empower the Commissioners of the town of Fayetteville to raise by lottery, a sum of money for the purpose of conducting water from Haymount to the interior of the town.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the town of Fayetteville, for their time being, and their successors in office, be, and they are hereby vested with full power and authority to raise by way of lottery, in one or more lotteries, any sum of money not exceeding six thousand dollars, to be by them applied to the purpose of conducting in any way which to them or to a majority of them shall seem most expedient, water from Haymount to the interior parts of the said town.

II. *And be it further enacted*, That the said Commissioners, in conducting the water as aforesaid, shall pay due regard to public convenience, and shall have the pipes and erect the reservoir or reservoirs in

1811 such place or places as are best suited to provide against the dangers of fire; and they are hereby vested with full authority to receive donations in money, lands or other things to be applied to the purposes aforesaid.

III. *And be it further enacted,* That nothing herein contained shall be so construed as to authorise said Commissioners to disturb or damage private property in conducting the water as aforesaid, without consent of the owner or proprietor of said property.

CHAP. LXXVI.

An Act to authorise the Commissioners of the town of Beaufort, in the county of Carteret, to lay a tax on the inhabitants of said town, for the purpose of building a Market-house.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the town of Beaufort, in the county of Carteret, be, and they are hereby authorised to lay a tax on the inhabitants of the said town, for the purpose of raising a sufficient sum of money to defray the expences of building a Market-house in said town; which house shall be erected in or near the Court-house square, and when so erected, no person shall sell any kind of provision within the limits of said town, except at the Market-house aforesaid: And the said Commissioners or a majority of them, are hereby authorised and directed to adopt such measures as may appear to them the most expedient for the purpose of carrying this act into effect.

CHAP. LXXVII.

An Act to appoint Commissioners to lay off and establish the dividing lines between the counties of Beaufort and Washington.

WHEREAS the dividing lines between the counties of Beaufort and Washington have not heretofore been described by actual survey:

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That Langly Respiss, William Boyd and John Latham, of the county of Beaufort, and Joseph Garrett, Samuel Blount and John D Patterson, of the county of Washington, be, and are hereby appointed Commissioners with full power and authority to lay off and mark the dividing lines between said counties.

II. *Be it further enacted,* That a majority of the Commissioners shall have full power to do any and every thing which the whole could do, were they present; and in case of failure to attend by a majority, any three of the aforesaid Commissioners may appoint others to act in the place of those who may be absent.

III. *Be it further enacted,* That the said Commissioners or a majority of them, shall appoint such surveyor or surveyors, chain-carriers and other attendants, as shall be necessary for running, marking and establishing the said lines, and shall make or cause to be made, returns of their proceedings to each of the County Courts of said counties, to be deposited with and recorded by the Register of each county; and the said lines when so established and laid off, shall forever thereafter be established and confirmed as the dividing lines between the said counties of Washington and Beaufort.

IV. *And be it further enacted,* That the said Commissioners, Surveyors, chain-carriers and other attendants respectively, shall receive such compensation for their services as the Courts of Pleas and Quarter-Sessions may deem just, to be paid out of any monies levied and collected, or hereafter to be levied and collected for the use of the said counties of Beaufort and Washington.

CHAP. LXXVIII.

An Act to alter the line between the counties of Surry and Stokes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That after the county line intersects the southern boundary of the lands formerly belonging to Samuel Kirby, senior, now Joseph Wilson, it shall run thence along the southern and western boundaries of said land, to the Yadkin river; thence up the river until it intersects the present line between the two counties.

CHAP. LXXIX.

An Act to carry into effect an Act passed in the year one thousand seven hundred and ninety-three, entitled 'An Act to add part of Burke and Wilkes counties to the county of Iredell.'

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Tate and George Lee Davidson, Esquires, be, and they are hereby appointed Commissioners to extend the line between the counties of Burke and Iredell, from the Three-cornered Island, in the Catawba river, to the bent of Lower Little river, in James Foxe's land, agreeable to the act of one thousand seven hundred and ninety-three, for establishing the same.

II. *And be it further enacted,* That the said Commissioners shall cause the said line to be marked, and shall return a fair plat of the same, signed by themselves, to their respective County Courts, and shall be allowed by them an adequate compensation for the same.

CHAP. LXXX.

An Act to annex part of Brunswick county to the county of Columbus.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of Brunswick county, bounded as follows, to wit—Beginning at Waccamaw river, at the mouth of Juniper creek, on the Columbus line, and running up Juniper creek to a swamp called Big Swamp, and up the Big Swamp to a branch called Clear Branch, and up the Clear Branch to the head; thence a direct course to the Waccamaw river, at the mouth of a large creek, and thence join the Columbus line or river to the beginning—be, and the same is hereby annexed to the county of Columbus.

CHAP. LXXXI.

An Act to amend an Act, entitled 'An Act to annex part of Bladen to the county of Columbus,' passed in the year one thousand eight hundred and nine.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James B. White and Samuel Smith, of the county of Columbus, and Thomas Brown, senior, and David Gillespie, of the county of Bladen, be added to the Commissioners appointed by the before recited act, to extend and mark the dividing line between the counties of Bladen and Columbus, under the same rules, regulations and restrictions, as said Commissioners were empowered to act.

CHAP. LXXXII.

1811

An Act to authorise the County Court of Columbus to choose the Wardens of the Poor for said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the County Court of Columbus, and it is hereby authorised and required, seven acting Justices being present, to elect the Wardens of the Poor for the said county; which election shall take place at the first Court which shall happen in said county, after the first day of February next, and every three years thereafter.

II. *And be it further enacted,* That the said Wardens of the Poor, when so elected, shall be vested with the same powers, and be subject to the same rules, regulations and restrictions, as the Wardens of the Poor heretofore elected for said county.

CHAP. LXXXIII.

An Act to regulate the Overseers of the Poor in the county of Northampton.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Sheriff of Northampton county, to advertise and hold an election at the court-house in the county aforesaid, on Easter Monday next, for the purpose of electing one Overseer of the Poor for each Captain's district in said county, who shall be a free-holder and shall reside in the district for which he shall be elected; and whose duty it shall be to take charge of the poor in their respective districts, and to let them out to the lowest bidder, giving ten days public notice of the time and place when and where they will be let, and make return thereof to the ensuing Court of Wardens, stating the name of each parishioner, to whom let, and for what sum.

II. *Be it further enacted,* That the said Overseers of the Poor, when so elected, shall be qualified and hold their offices in the same manner, and be governed by the same rules not otherwise herein expressed, as is by law directed; and each and every Overseer as aforesaid, who shall fail or neglect to qualify as such, shall forfeit and pay the sum of twenty pounds, to be recovered in the name and for the use of the poor of said county, in an action of debt: and the said Overseers of the Poor shall at their first meeting, elect a person properly qualified (not of their own body) to act as Clerk, and a person qualified as aforesaid, to act as Treasurer to the Court of Wardens; which said officers shall take the oath for the qualification of public officers, and also take and subscribe to the following oath before some Magistrate, in a book to be procured for that purpose, to wit: "I, A. B. do swear that I will discharge the office of (Clerk or Treasurer, as the case may be) of the Court of Wardens, honestly and faithfully, and that I will account for all moneys by me received in virtue of my office, and in all things strictly adhere to the law for the government of the poor for Northampton county, to the best of my skill and ability—so help me God;" and shall give bond in the sum of one thousand pounds, with such security as shall be approved by the Court of Wardens, payable to the Chairman of the County Court for the time being, and to his successors in office, for the faithful discharge of the duties imposed on them by this act; and if the person or persons shall fail or neglect to qualify and give bond and security as above directed, (provided it is in their power to do so) shall forfeit and pay the sum of fifty pounds, to be recovered in an action of debt, in the name and for the use of the poor of said county; and the Clerk of the Court of Wardens shall have and receive for his services a reasonable compensation, besides receiving pay for all stationary and books necessary for his appointment, to be paid out of the poor tax; and the Treasurer of the Court of Wardens shall be entitled to retain for his services, a sum not exceeding five per cent. on all monies which shall come into his hands by virtue of his office.

III. *Be it further enacted,* That it shall be the duty of the Clerk of the Court of Wardens to keep a fair and distinct record of all and every the proceedings of the said Court of Wardens; to keep and record in a well bound book to be procured for that purpose, the names of each and every of the parishioners, and the sums for which they are respectively kept, and by whom kept; to issue orders to the persons entitled to the same, or to their agents; to keep in a separate book the amount of the annual tax laid by the Wardens of the Poor for the support thereof.

IV. *Be it further enacted,* That it shall be the duty of the Treasurer hereby appointed, to keep a fair and distinct account of the taxes laid annually for the support of the poor, to be furnished him by the Clerk of the Court of Wardens, which shall be an account against the Sheriff, and shall settle annually with the Sheriff: And it is hereby made the duty of the County Solicitor to give this act in charge to the grand jury at each inferior Court next after the first day of January in each and every year; and the said Treasurer and Clerk of the Wardens shall not only be liable to the pains and penalties herein before and herein after mentioned, but shall be liable to an indictment or presentment by the grand jury of the County Court aforesaid, and on conviction, shall suffer such further penalty as the Court may think proper to inflict: *Provided,* That the same does not extend further than being fined twenty-five pounds.

V. *And be it further enacted,* That the said Clerk of Wardens, by the directions of the Court, shall at each inferior Court for said county, after the first day of January in each and every year, lay before the Justices of the said Court, a statement of the taxes laid by the said Court of Wardens for the support of the poor, together with a certified list of the number of parishioners, and the sums for which they are kept respectively, and by whom kept, under the penalty of fifty pounds, to be recovered and applied as before herein directed: And it shall also be the duty of the Treasurer of the Court of Wardens, at the same time, to lay before the Justices aforesaid, a statement of his account against the Sheriff, whether paid in whole or in part; which said accounts or copies thereof, shall be set up in the court-house, in the most conspicuous place therein.

VI. *And be it further enacted,* That it is hereby expressly made the duty of the Treasurer aforesaid, to call on all former Sheriffs or collectors of the poor-tax, or Treasurer or Wardens of the Poor, when a balance may appear to be due to the said county, for a settlement; and in case such former Sheriff or collector, or any Sheriff or collector hereafter to be appointed to collect the poor-tax aforesaid, shall fail to account for and settle the taxes which he has collected or received agreeably to law, the Treasurer aforesaid shall give to such Sheriff or collector, ten days previous notice, in writing, that he intends moving for judgment against him for the amount of such tax, at the next succeeding Court; and on failure of such Sheriff or collector to pay and settle with the Treasurer as aforesaid, on motion, judgment shall be entered against such Sheriff or collector, and execution thereon awarded.

VII. *And be it further enacted,* That from and after the organization of the Court of Wardens by this

1811 act established, the power of the Overseers of the Poor and of the Court of Wardens which now exists in said county, shall cease and determine; any law to the contrary notwithstanding.

VIII. *And be it further enacted*, That whenever the Overseers of the Poor shall think it advisable, they shall apply to the County Court, which is hereby authorised to lay a tax for the purpose of building a poor-house for the reception of the poor of said county; and the Overseers of the Poor are hereby empowered to enter into and make such contracts and regulations for the government thereof, as a majority shall think proper.

CHAP. LXXXIV.

An Act to establish a Poor House in the county of Orange.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Wardens of the Poor, in the county of Orange, or a majority of them, as soon as they may deem it necessary after the passing of this act, to make application to the Court of Pleas and Quarter Sessions in said county, and the Court is hereby directed and empowered to lay a tax, if they think proper, a majority of the acting Justices of said county being present, not exceeding one shilling on every poll, and four pence on every hundred acres of land, and one shilling on every hundred pounds value of town property, to be collected and accounted for as other taxes are in said county; which tax when collected shall be paid into the hands of the Wardens aforesaid, who are required immediately thereafter to lay out the same to the best advantage in procuring a piece of land either by purchase or otherwise, and to build or cause to be built thereon, a house or houses, sufficient for the reception of the poor of the said county, under which denomination shall be comprehended all such persons of either sex as shall be adjudged by the Wardens incapable through old age or infirmities to procure subsistence for themselves; and the said Wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated and sufficiently provided with suitable diet, cloathing and fuel, and to enforce all such regulations as shall be established from time to time for the well ordering and governing said poor: Which regulations the said Wardens are hereby authorised to make, and it shall be lawful for the said Court to continue the imposition of said tax from year to year, if necessary, either to complete the aforesaid building, or to defray the expences which may be occasioned by the keeping up thereof: And the said keeper or overseer for his services shall be allowed each year such sum as the Wardens may deem adequate, to be paid out of the tax as above directed: And the keeper or overseer of said poor is hereby required to keep at moderate labour such of the poor under their care as they shall judge capable to labour; and at the end of each and every year shall account to the Wardens of said county, on oath, for all sums which may have arisen from the labour of such poor, and have the same deducted from the amount of their expences; any law to the contrary notwithstanding.

CHAP. LXXXV.

An Act to establish a Poor House in the county of Tyrrel.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Wardens of the Poor in the county of Tyrrel, or a majority of them, as soon as they may deem it necessary after the passing of this act, to make application to the Court of Pleas and Quarter Sessions in said county, and the Court is hereby directed and empowered to lay a tax not exceeding one shilling on every poll, four pence on every hundred acres of land, and one shilling on every hundred pounds value of town property, to be collected and accounted for as other taxes are in said county; which tax when collected shall be paid into the hands of the Wardens aforesaid, who are required immediately thereafter to lay out the same to the best advantage in procuring a piece of land, either by purchase or otherwise, and to build or cause to be built thereon, a house or houses, sufficient for the reception of the poor of the said county, under which denomination shall be comprehended all such persons of either sex as shall be adjudged by the Wardens incapable through old age or infirmities to procure subsistence for themselves: And the said Wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated and sufficiently provided with suitable diet, cloathing and fuel, and to enforce all such regulations as shall be established from time to time for the well ordering and governing the said poor; which regulations the said Wardens are hereby empowered to make: And it shall be lawful for the aforesaid Court to renew the imposition of said tax from year to year, if necessary, either to complete the aforesaid building or to defray the expences which may be occasioned by the keeping up thereof: And the said keeper or overseer for his services shall be allowed each year such sum as the Wardens may deem adequate, to be paid out of the tax laid for that purpose: And the keeper or overseer of said poor is hereby required to keep at moderate labour such of the poor under their care as they shall judge capable to labour, and at the end of each and every year shall account to the Wardens of said county, on oath, for all such sums as may have arisen from the labour of such poor, and have the same deducted from the amount of their expenditures; any law to the contrary notwithstanding.

CHAP. LXXXVI.

An Act to empower the County Court of Chowan to lay an additional tax to defray the expences of the poor of said county.

WHEREAS the taxes allowed by law is not sufficient to defray the expences of the poor of said county,

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the County Court of Chowan is hereby authorised and empowered to lay an additional tax of two pence on every hundred acres of land, and six pence on every poll, and six pence on every hundred pounds value of town property, to be collected and applied as other taxes for the poor of said county.

CHAP. LXXXVII.

An Act to authorise and empower the Wardens of Halifax county, to lay and collect a tax for the support of their poor.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Wardens of the Poor for the county of Halifax, shall be and they are hereby authorised and empowered to lay a tax not exceeding four shillings on the poll, one shilling and four

pence on every hundred acres of land, and four shillings on every hundred pounds value of town property ; which tax the Sheriff of the said county shall collect, under the same rules and regulations as the public taxes are collected, and be paid over by him to the Wardens aforesaid, for the use of the poor of said county. 1811

II. *And be it further enacted*, That this act shall be in force from and after its passage ; and that all acts and clauses of acts coming within the meaning and purview thereof, are hereby repealed and made void.

CHAP. LXXXVIII.

An Act to amend an Act, entitled "An Act to regulate the Fisheries on Roanoke and Cashie rivers," passed in the year one thousand eight hundred and ten.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the above recited act shall be construed to extend to all the Seine-Fisheries which now are or may be hereafter established on Roanoke river, above the mouth of Kelukcy creek.

II. *And be it further enacted by the authority of the same*, That the several seines on Roanoke and Cashie rivers shall cease to hawl at day-break on Wednesday and Sunday, and may commence hawling at day-break on Thursday and Monday in each and every week, during the time prohibited by the above recited act.

CHAP. LXXXIX.

An Act to regulate the Fisheries on all the water-courses emptying into Roanoke and Cashie rivers.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be considered that all Fisheries on the water-courses emptying into Roanoke and Cashie rivers, shall be under the same regulations and restrictions as the Fisheries on Roanoke and Cashie.

CHAP. XC.

An Act to prevent any person or persons from obstructing the passage of Fish up Moyock creek, in Currituck county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person or persons to set a net, or wave more than one half across said Moyock creek, in the county of Currituck, from the first day of April until the last day of May, in each and every year, from and after the passing of this act.

II. *And be it further enacted*, That any person or persons, upon conviction of violating this act, for each and every offence, shall forfeit and pay five pounds, to be applied to the sole use and benefit of him or them suing for the same, before any jurisdiction having cognizance thereof ; any law, usage or custom to the contrary notwithstanding.

CHAP. XCI.

An Act for the removal of obstructions to the passage of Fish in Mountain creek, in the county of Rutherford.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That on or before the first day of February next, the proprietors of all dams, traps, hedges, and other obstructions to the passage of Fish up Mountain creek, in the county of Rutherford, from the mouth to the main fork below Hamilton's and Bowman's mills, shall cause the same to be removed by forming a slope therein, sufficient for the passage of Fish as aforesaid ; and the same shall be kept open from the first day of February, until the first day of May, in each and every year.

II. *And be it further enacted*, That each and every person who shall violate the true intent and meaning of this act, shall forfeit and pay the sum of five pounds for each and every offence, to be recovered by warrant before any Justice of the Peace, one half to be applied to the use of the county, and the other half to the use of the person suing for the same.

CHAP. XCII.

An Act to repeal an Act, entitled "An Act to lay off and ascertain the boundaries of the several Fisheries on Chowan river," passed at Raleigh in the year one thousand eight hundred and five.

WHEREAS the above recited act has not produced the effect which was expected and intended by the said law : *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the above recited act be, and the same is hereby repealed and made utterly void.

CHAP. XCIII.

An Act to restrain all persons from throwing fish-garbage into the waters of the Frying-Pan, in Tyrrel county, and Great Alligator river.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, if any person or persons shall clean herrings and throw the garbage into the Frying-Pan or Great Alligator river, in Tyrrel county, or cause it to be done, he, she or they shall forfeit any pay for each and every such offence, the sum of five pounds, to be recovered before any Justice of the Peace of said county, one half to the use of the informer, and the other half to the use of the poor of said county ; any law or usage to the contrary notwithstanding.

CHAP. XCIV.

An Act to emancipate certain persons therein mentioned.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That Prince, a Negro man, formerly the property of James Baird, late of the county of Lincoln, and Rose, the wife of the said Prince, be, and the said slaves are hereby emancipated and made capable of exercising, holding and enjoying all such rights as if they and each of them had been born free—*Provided always*, That the property which any person or persons, other than such person or persons as claim by, from or through the said James Baird, shall not be impaired by this act, nor shall this act extend to defeat the creditors of the said James Baird of their just debts, but the said Prince shall remain liable to satisfy the same.

II. *And be it further enacted*, That this act shall not take effect, or be considered in force, until the heirs or representatives of the said James Baird shall enter into bond with security, payable to the Chairman of the County Court of Lincoln, in such sum of money as may be by the said Court required, to be void on condition that the Negroes intended to be emancipated by this act, do never become a public charge ; and that they shall also stand bound by the said bond for their good behaviour.

CHAP. XCV.

An Act to emancipate certain persons therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the following Negroes, the property of William Williams, Esquire, of Martin county, to wit, Boson, Penny, and Freeman Hill, are hereby emancipated and made free, and shall be entitled to all the privileges of free persons of colour within the State, in the same manner and to all intents and purposes as if they had been born free : *Provided*, That the emancipation of the said Negroes shall not injure or prejudice the claim or claims which any person or persons, except William Williams of Martin, may have to the said Negroes.

1811 II. *And be it further enacted*, That the said Boson and Penny be hereafter known by the name of Boson Hill and Penny Hill.

III. *And be it further enacted*, That this act shall not be in force until the said William Williams shall have entered into bond with sufficient security, to the Chairman of Bertie county court, in the sum of two hundred and fifty pounds, conditioned that the said Negroes nor either of them, shall become chargeable to the county of Bertie, or any county in the State.

CHAP. XCVI.

An Act to emancipate James, a man of colour of the county of Lenoir.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James, a man of colour of the county of Lenoir, and the property of Richard W. Caswell, late of this State and now of the State of Tennessee, be, and the said James is hereby emancipated and set free, and made capable of taking, holding and disposing of property, and of enjoying all such privileges as persons of colour born free in this State, do enjoy; and the said James shall hereafter be known by the name of James Charlton—*Provided always*, That this act shall not operate so as to defeat the rights of any person or persons to the property in said James, except the right of the said Richard W. Caswell, and such persons as may claim by, through, from or under him.

II. *And be it further enacted* That nothing in this act contained, shall be so construed as to authorise the emancipation of the said Negro man James, until Francis Kilpatrick and James Bright, or one of them, shall have entered into bond in the sum of two hundred and fifty pounds, with good and sufficient security, made payable to the Chairman of the County Court of Lenoir and his successors in office, that the said James shall never become a charge to any of the counties in this State, and making themselves responsible for his good behaviour.

CHAP. XCVII.

An Act to emancipate a Negro called Silvia.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a certain Negro girl named Silvia, belonging to the estate of Abraham Bass, late of the county of Nash, be, and she is hereby emancipated and made capable of taking, holding and possessing property of every kind, and of enjoying all such privileges as all other free persons of colour.

II *And be it further enacted*, That the above named girl shall be known and called by the name of Silvia Spears: *Provided always*, That this act shall not affect the right which any person or persons may have to the service of and property in said girl Silvia, except such person or persons as may claim by, from or through the said Abraham Bass.

III. *And be it further enacted*, That nothing in this act contained shall be construed so to authorise the emancipation of the said girl Silvia, until Thomas Hamilton shall have entered into bond with sufficient security, in the sum of two hundred and fifty pounds, made payable to the Chairman of the County Court of Nash and his successors in office, to be void on condition that the said Silvia shall never become a charge or burthen to any of the counties of this State.

CHAP. XCVIII.

An Act to divorce Young Utley, of the county of Wake, from his wife Polly

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Young Utley, of the county of Wake, be, and he is hereby divorced from his wife Polly, in as full and ample a manner to all intents and purposes as if the rites of matrimony had never been solemnized between them, and they are hereby divorced accordingly.

CHAP. XCIX.

An Act to divorce Amos Dumas, of the county of Richmond, from his wife Drusilla.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Amos Dumas, of the county of Richmond, be, and he is hereby divorced from his wife Drusilla, in as full and ample a manner to all intents and purposes as if the rites of matrimony had never been solemnized between them, and they are hereby divorced accordingly.

CHAP. C.

An Act to divorce Elizabeth Bezzell, of the county of Sampson, from her husband Isaac Bezzell.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Elizabeth Bezzell of the county of Sampson, be, and she is hereby divorced from her husband Isaac Bezzell, in as full and ample a manner to all intents and purposes as if the rites of matrimony had never been solemnized between them, and they are hereby divorced accordingly—*Provided*, That nothing herein contained shall render illegitimate the children begotten during wedlock.

CHAP. CI.

An Act to secure to the persons therein mentioned, such property as they may hereafter acquire.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Mary Hammonds of the county of Iredell, Orpah Daniel of the county of Rowan, Eleanor Miles of the county of Person, Margaret Hatcher of the county of Buncombe, Elizabeth Tender of the county of Surry, Ann L. Williams of the county of Hertford, Hannah Sutton of the county of Rowan, Elizabeth Weston of the county of Hertford, Janet Ingram of the county of Montgomery, Sally Adams of the county of Franklin, Jemima Blackwell of the county of Stokes, Jane Russell of the county of Rutherford, Nancy Fitzgerald of the county of Caswell, Philis Yarbrough, wife of William Yarbrough of the county of Franklin, Mary Yarrell, wife of Matthew Yarrell of the county of Martin, Sarah Taylor, wife of Alfred Taylor, and Elizabeth Arnold, wife of William Arnold, and Nancy Sexton, wife of Thomas Sexton, of Randolph county, be, and they are hereby respectively entitled to hold, possess and enjoy in their sole right, all such estate, either real or personal, as they may hereafter acquire by industry, purchase, gift, or otherwise, in as full and ample a manner as if they had never been married to their respective husbands herein named, free and clear from the claims of their said husbands herein named, or any of their creditors; and they respectively shall have full power and authority to prosecute or defend any suits either in law or equity, in their own names, in the same manner as if they had never been married—any law to the contrary notwithstanding.

CHAP. CII.

An Act to secure to Leah Dudley, wife of Christopher Dudley, junior, of the town of Wilmington, such property as she may hereafter acquire.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Leah Dudley, wife of Christopher Dudley, junior, of the town of Wilmington, be, and she is hereby entitled and empowered to hold, possess and enjoy in her own right, all such estate, either real or personal, as she may hereafter acquire by industry, purchase, gift, or otherwise,

in as full and ample a manner as if she had never been married to the said Christopher Dudley; free and clear from the claims of her said husband, or any of his creditors; and she shall have full power and authority to prosecute or defend any suit either in law or equity, in her own name, in the same manner as if she had never been married—any law to the contrary notwithstanding.

CHAP. CIII.

An Act to alter the mode of holding elections in the county of Edgecombe.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter, all elections to be held in each and every year in the county of Edgecombe, for Members of the General Assembly, and for Representatives of this State in the Congress of the United States, and for Electors of President and Vice-President of the United States, shall be held on the last Thursday of July in each and every year, in each and every Captain's district respectively, at such place within each district respectively, as the County Court which shall be held for the said county, on the fourth Monday in May in each and every year, shall point out: but should the Court fail to make such appointment, the elections shall be held at the place in each district where the Captain of the district last mustered his men.

II. *Be it further enacted,* That it shall be the duty of the County Court which shall be held for the said county on the fourth Monday in May in each and every year, to appoint one Justice of the Peace and two free-holders for each Captain's district, to act as inspectors, whose duty it shall be to attend at the place of election for which they are appointed, and receive the ballots, the Justice having first administered to the free-holders the oath directed by law to be administered to inspectors of election.

III. *And be it further enacted,* That it shall be the duty of the Justice and free-holders so appointed and qualified, to open the poll at twelve o'clock on the day and at the places appointed for holding the elections, and shall close the same at four o'clock, and shall immediately proceed to count out the votes, a correct statement of which, under their hands and seals, together with a list of the voters' names, shall be by them or some one of them, returned at or before three o'clock on the first Saturday which shall happen after the last Thursday in July as aforesaid, in each and every year, at the court-house in Tarborough, to the Sheriff of the said county or his lawful deputy: And it is hereby declared to be the duty of said Sheriff to attend either in person or by his lawful deputy, at the court-house of the said county, on the day hereby specified for making the returns, to receive the returns so made by the inspectors; and on the returns being made to the Sheriff or his lawful deputy, he shall, in presence of the inspectors, proceed to add the number of votes thus to him returned; and the person or persons having the greatest number of votes, shall be deemed lawfully elected; and the Sheriff shall immediately at the court-house door, make proclamation thereof.

IV. *And be it further enacted,* That should it so happen that the Court of said county should neglect to appoint inspectors as aforesaid, or should any of those who were appointed, die, be absent, or refuse to act, then and in that case it shall and may be lawful for any one Justice of the Peace and two free-holders to supply the vacancy: And in case no Justice attends, it shall be the duty of the Captain of the district in which such vacancy may occur, to perform the several duties required by this act to be performed by a Justice of the Peace; and the inspector or inspectors so appointed, shall have the same powers, and be subject to the same restrictions as if they had been appointed by the Court.

V. *And be it further enacted,* That it shall be the duty of the Clerk of the Court of the said county, to deliver copies of the appointments of said Justices and inspectors, to the Sheriff of said county, whose duty it shall be forthwith to notify them, and to advertise said elections in every Captain's district and at the court-house door, at least twenty days previous to the day of holding said elections.

VI. *And be it further enacted,* That if any person shall vote at more than one election, or twice at the same election, or if any person who is not lawfully entitled to vote, shall vote at any of the said elections, he or they shall, on conviction before any Justice of the Peace of said county, forfeit and pay the sum of five pounds, one half to the person prosecuting for the same, and the other half to the use of the poor of said county.

VII. *And be it further enacted,* That all acts and clauses of acts coming within the meaning and purview of this act, and not contrary thereto, be, and the same are hereby repealed and made void.

CHAP. CIV.

An Act directing how Elections shall in future be held and conducted in Mecklenburg county.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That all the elections for Members of the General Assembly in said county, shall be held on the second Thursday in August; which said elections shall be opened at twelve o'clock, and continue open until sunset on said day, and shall be held at the following places, viz. at the court-house in Charlotte, for the first battalion of the first regiment; at the dwelling-house of Joseph Maxwell, for the second battalion of said regiment; at the dwelling-house of Joseph Faires, for the first battalion of the second regiment; and at the dwelling-house of John Ray, for the second battalion of said regiment.

II. *And be it further enacted,* That it shall be the duty of the County Court next preceding the day of election, to appoint one Justice of the Peace and two reputable free-holders, to act as inspectors of the poll at each place of election herein mentioned, whose duty it shall be to attend at the places for which they are appointed, on the day mentioned in this act; and after being sworn to conduct said election faithfully and impartially, shall open and hold said election as herein directed, and immediately after the elections are closed, the boxes containing the ballots shall be sealed up in presence of the inspectors; and the said boxes, with a certified list of the voters' names, shall be transmitted by the said Justice or one of the inspectors, to the court-house in Charlotte, and delivered to the Sheriff of said county, at or before ten o'clock on Friday succeeding the said second Thursday in August; and the said Sheriff or his lawful deputy, shall proceed at ten o'clock on said day, to read and count the said ballots; and when the whole are counted out, to add the whole together that each person voted for may have, and proclaim the persons having the greatest number, duly elected.

III. *And be it further enacted,* That in case the County Court shall fail or neglect to appoint the said Justice and inspectors, or when so appointed, they or any of them should die, remove or refuse to act, then and in either case, any two Justices of the Peace may fill and make such appointments, or whatever of them may be wanting, who shall perform the duties required of them by this act.

IV. *And be it further enacted,* That whenever the elections for Representatives to Congress, or election for Elector for President and Vice-President of the United States, shall happen, the said elections shall be held and conducted as directed by this act.

V. *And be it further enacted,* That all acts and clauses of acts which come within the meaning and purview of this act, be, and the same are hereby repealed and made void.

CHAP. CV.

An Act to amend an Act, passed at the last session of the General Assembly, entitled 'An Act to establish the mode of Elections in future in the county of Buncombe.'

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That one other separate election be, and is hereby established in the county of Buncombe, at the dwelling;

house of Asa Edny, on Clear creek, for the purpose of electing Members of the General Assembly; which shall be opened and held annually, on the second Thursday in August, by the Sheriff or his lawful deputy, and conducted by the same rules, and under the same regulations and restrictions as are prescribed for the government of all other separate elections in said county.

II. *And be it further enacted*, That the elections for Representatives to Congress, and Electors to vote for a President and Vice-President of the United States, shall be held at the place aforesaid, at such times as are already prescribed by law for holding such elections, and governed in the same manner, and under the same regulations and restrictions.

III. *And be it further enacted*, That it shall be the duty of the Sheriff or his lawful deputy, to attend at each of the separate elections established in said county and conduct the same, with two inspectors, who may be appointed by the Court for that purpose, instead of a Justice of the Peace, as heretofore prescribed: And it is hereby declared to be the duty of the Sheriff or his lawful deputy as aforesaid, to administer the customary oath to the inspectors, to open, conduct and close the same, and make due return of the number of the votes in favour of each candidate, together with a list of the voters' names, under their hands and seals, to the Sheriff at the court-house the day following, within the time and in the manner prescribed by the above recited act: And if it should so happen that two candidates should have an equal number of votes on comparing all the polls together, it shall be the duty of the Sheriff to give the casting vote, and declare the person duly elected.

IV. *And be it further enacted*, That all acts and clauses of acts coming within the meaning and purview of this act, be, and the same are hereby repealed and made void.

CHAP. CVI.

An Act to establish one other separate Election in the county of Wake.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Fanning Jones, William Ward, Richard Olive, Wyatt Harred, and Nathan Upchurch, be, and they or a majority of them are hereby appointed commissioners to fix on a proper and suitable place for holding a separate election on or near the Chatham road, leading from Edward Pride's to Prince's Bridge on New-Hope, for the purpose of electing Members of the General Assembly, Members of Congress, and Electors to vote for President and Vice-President of the United States: And the said election shall be holden on the same days in each and every year that other elections are holden for like purposes, and shall be conducted under the same rules, regulations and restrictions that other elections are in said county.

II. *Be it further enacted*, That the Justices of said county shall at their Court of Pleas and Quarter-Sessions next preceding the election, appoint one Justice of the Peace and two other proper persons to conduct said election, who shall be bound to make their returns to the Sheriff of said county, in the same manner and at the same time that other returns are made from the several elections for said county; any law to the contrary notwithstanding.

CHAP. CVII.

An Act to alter the place of holding one of the separate elections in Rutherford county, and to establish another separate election in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the separate election heretofore held at the house of James Doyle, in Rutherford county, shall in future be held at the house of Henry Montague, in said county.

II. *And be it further enacted*, That one other separate election be, and is hereby established at the house of Samuel S. Ross, in said county of Rutherford; which said elections shall be held on the same day, opened, closed, and conducted in the same manner, and under the same rules, regulations and restrictions as all other separate elections in said county; any law, usage or custom to the contrary notwithstanding.

CHAP. CVIII.

An Act to alter the place of holding a separate Election in the county of Bladen.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore established at the house of Bartram Robeson, in the county of Bladen, for the purpose of electing Representatives to Congress, Representatives to the General Assembly, and Electors to vote for President and Vice-President of the United States, be in future held at the head of Singletary's Hollow, in said county, under the same rules, regulations and restrictions as other separate elections are held in said county.

CHAP. CIX.

An Act to establish another separate Election in the county of Rowan.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be opened and held by the Sheriff or his lawful deputy, of the county of Rowan, a separate election at the Brick-house at Thompson's mill, on the same day which the other separate elections in said county are held in each and every year, for the purpose of electing Members of the General Assembly of this State.

II. *And be it further enacted*, That an election shall be held for Representatives to Congress, and Electors to vote for a President and Vice-President of the United States, which shall be held at the place aforesaid, at such times and under such rules and regulations as are now or may hereafter be prescribed by law.

III. *And be it further enacted*, That the election hereby established, shall be opened, closed and conducted in the same manner, and under the same rules that are specified for the government of other separate elections heretofore established by law in said county.

CHAP. CX.

An Act to amend an Act, entitled 'An Act to establish the mode of Elections in future in the county of Sampson,' passed at Raleigh A. D. one thousand eight hundred and four.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the poll-keepers in the said county of Sampson are hereby authorised to close the polls at the several places of election therein, at four o'clock in the evening; any thing in the said act to the contrary notwithstanding.

CHAP. CXI.

An Act to appoint Commissioners for fixing on a more suitable and convenient place for holding the separate Election which has been heretofore established and held at the house of Bowling Fisher, in the county of Stokes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Peter Hairston, James Davis, Hugh Martin, Bowling Fisher and John Ward, be, and they are hereby appointed Commissioners, and they or a majority of them are hereby authorised and directed to fix on a suitable and convenient place for holding the separate election which has been heretofore established and held at the house of Bowling Fisher, in the county of Stokes; and when the place shall be so fixed on by a majority of the said Commissioners as aforesaid, an election shall be annually held at such place on the same day, in the same manner, and under the same rules, regulations and restrictions as have governed the elections heretofore held at the house of the said Bowling Fisher; any law to the contrary notwithstanding.

CHAP. CXII.

1811

An Act to alter the names of certain persons therein mentioned.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the name of James Pierce Nucum, of the county of Duplin, be, and the same is hereby altered to that of James Pierce Smith: That the name of John Smith, of Craven county, be, and the same is hereby altered to that of John Samuel Smith: That the names of Daniel Morris and Sarah Morris, of the county of Randolph, be and the same are hereby altered to the names of Daniel Cobb and Sarah Cobb: That the name of William Roach, of the county of Person, be, and the same is hereby altered to that of William Mutry: That the name of Thomas Collins, of Gates, be, and the same is hereby altered to that of Thomas Outlaw: That the name of Thomas Love, of Camden county, be, and the same is hereby altered to that of Thomas Nicholas: That the name of Marmaduke Boon, of Robeson county, be, and the same is hereby altered to that of Marmaduke Etheridge: That the names of Benjamin Lowe and Sarah Low, of Bladen county, be altered to the names of Benjamin Simms and Sarah Simms: That the name of Elizabeth Pitman, of Edgecombe county, be altered to that of Elizabeth Peele: by which names the persons shall respectively be called and known, sue and be sued, implead and be impleaded, and enjoy to all intents and purposes the same advantages as if they had borne the names as now altered from their respective nativities.

CHAP. CXIII.

An Act to alter the names of and to legitimate George Washington Boon, Albert Boon and John Edmunson Boon, sons of Nancy Boon, deceased, of Franklin county.

WHEREAS it is represented to this General Assembly that it is the wish of William Green, of Franklin county, the reputed father of the aforesaid children, that they should be legitimated and placed in the same situation with respect to inheriting his real estate, or taking by distribution his personal estate as his other children are who were born in lawful wedlock:

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the aforesaid George Washington Boon, Albert Boon, and John Edmunson Boon, illegitimate children of Nancy Boon, dec. of Franklin county, be, and the same are hereby legitimated and made capable, both in law or equity, or any other manner, to inherit from their said father William Green, of Franklin county, all real estate, and take by distribution any personal estate which they might or could, were they the lawful children of the said William Green.

II. And be it further enacted, That the said George Washington Boon, Albert Boon, and John Edmunson Boon, be forever hereafter called and known by the names of George Washington Green, Albert Green, and John Edmunson Green, and be capable of suing and being sued, and to plead and be impleaded, in and by their respective names hereby given them, any law to the contrary notwithstanding: *Provided nevertheless,* That nothing in this act contained shall be construed to give to the said illegitimate children any right of inheritance or claim by distribution from any of the legitimate children of the said William Green.

CHAP. CXIV.

An Act to alter the names of sundry persons therein mentioned, and to legitimate them.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the names of Willis Patterson, Nancy P. Patterson, and Sally Patterson, reputed children of William Horton and Holley Patterson, of the county of Wake, be and the same are hereby altered to those of Willis Horton, Nancy Horton and Sally Horton: That the name of William Hendrick, reputed son of Nathan Williams, of the county of Nash, be and the same is hereby altered to that of William Williams: That the name of George Clark, son of the county of Currituck, reputed son of Charles Valentine Herbert, be and the same is hereby altered to that of George Augustus Herbert: That the name of William Garland, reputed son of Lewis Welborne, of the county of Johnston, be and the same is hereby altered to that of William Welborne: That the name of Wesley Murphy, reputed son of William Spright, of the county of Gates, be and the same is hereby altered to that of Wesley William Spright: That the name of William Eeel, reputed son of Nathan Osborn, of Martin county, be and the same is hereby altered to that of William Osborn: That the name of Mark Worrel, reputed son of James Coleyear, of Wayne county, be and the same is hereby altered to that of Mark Coleyear: That the name of Marshall Hodges, reputed son of Francis and Rosanna Kinsaul, of the county of Pitt, be and the same is hereby altered to that of Marshall Kinsaul; and that the name of Cynthia Davis, reputed child of Samuel Wilson, and Jane Davis, of Mecklenburg county, be and the same is hereby altered to that of Cynthia Wilson: That the name of Seth Macy, of Stokes county, reputed son of Seth Coffin, be and the same is hereby altered to that of Seth Coffin. By which several names the parties aforesaid shall respectively be called and known, sue and be sued, implead and be impleaded in all Courts of Law and Equity in this state; and they are hereby legitimated and made capable of inheriting by, from or through their respective parents, and of enjoying all such privileges and advantages as if they and each and every of them had been born in lawful wedlock.

CHAP. CXV.

An Act to alter the name of Henry Irwin Burges, of Halifax county, to that of Henry Lewis Irwin.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the name of Henry Irwin Burges, of Halifax county, be and the same is hereby altered to that of Henry Lewis Irwin; and the aforesaid Henry Irwin Burges shall be called and known by the name as above altered, and shall be able to sue and be sued, plead and be impleaded in any Court of Law or Equity, and shall possess and enjoy the same privileges as if he had borne the name as above altered from his nativity.

CHAP. CXVI.

An Act to authorise the counties therein mentioned, to elect a Comptroller and other officers, and directing the duties of the several officers respecting the finance of said counties.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Justices of the Peace for the counties of Rutherford and Lincoln, shall upon the third day of the first Court in each and every year, elect their Sheriff, Treasurer, Comptroller, and Treasurer of Public Buildings—The bonds as heretofore directed by law, are still required as usual, and the Comptrollers shall be sworn in open Court, that they shall faithfully discharge the duties as by this act directed, to the best of their knowledge.

II. And be it further enacted, That the Clerk of the Superior and County Courts shall within thirty days after each and every Court respectively, transmit to the Comptroller a list of all the tax-fees, fines and forfeitures, that shall or may be coming to the county, together with the persons' names, and the sum to be paid by each person; and the Comptroller shall make an entry of the same in his book, and shall report the copy thereof to the County Treasurer, in the space of thirty days after he receives the Clerk's return.

III. And be it further enacted, That the Ranger shall within thirty days after the rising of each Court, make return to the Comptroller of all the strays entered with him, together with the bonds filed; and when any person proves a stray away out of the possession of the taker-up, before any Justice of the Peace, the Justice shall transmit to the Comptroller the probate aforesaid, in order to cancel the bond of the taker-up of the said stray: And the Comptroller shall at the expiration of one year after the time that any stray is taken up, and not proven away from the person

1811 having possession of the stray, make report to the County Treasurer of the same due to the county, once in every three months; and the County Treasurer shall call upon all persons reported against by the Comptroller, in the space of three months; and if he neglects or omits calling upon any person or persons by suit, indebted to the county, and the money be lost in consequence of such neglect or omission, that then and in that case, the Treasurer shall be liable upon his bond to the county for all such sum or sums of money as shall be lost by his neglect.

IV. *And be it further enacted,* That the Wardens of the Poor shall by their clerk, make a return every three months to the Comptroller, the amount of all sums of money laid on the county by them, and also an account of all monies paid to them for the use of the poor; they shall also annually report the tax that may be laid by them on the county, to the Comptroller, within thirty days after it shall be laid.

V. *And be it further enacted,* That no due-bill issued by the Wardens, shall be received by the County Treasurer, unless the same shall have been enrolled by the Comptroller; and when the Treasurer pays any person other than the person to whom the bill was issued, he shall in no case pay more to the person presenting the due-bill, than the sum paid to the person first holding the due-bill, and that sum to be proven to the satisfaction of the Treasurer, by the oath of the person presenting, or the person in whose name the due-bill was issued.

VI. *And be it further enacted,* That the Sheriff, the Clerk of the Superior Court, the Clerk of the County Court, the Treasurer of Public Buildings, the County Treasurer, and the Commissioners of Public Buildings, shall each of them settle their several accounts with the Comptroller, before the first Monday of October, in each and every year, or be liable to pay for such neglect or omission, the sum of fifty pounds, to be paid to the county; and the Comptroller shall report against those who may refuse or neglect to settle with him as is by this act directed.

VII. *And be it further enacted,* That the County Solicitor shall attend to the suits in the Superior Court, where the county is in danger of paying costs of any indictment, and see that the county be not charged with any unlawful cost; and the County Court shall grant him an extra allowance for the same.

VIII. *And be it further enacted,* That in future the Clerks of the County and Superior Courts shall insert in each ticket that they shall give to any person, where the county has to pay, the following words, viz. "This ticket shall be presented to the Comptroller within six months after this date, for enrollment, or be forever barred;" and no officer for the county shall receive them in any wise except they have been enrolled at the time prescribed by this act.

IX. *And be it further enacted,* That the Treasurer shall not be allowed in settlement with the Comptroller, any more for any due-bill signed by the Wardens, than what he has credited the Sheriff or other person paying in such due-bill; and all due-bills and county claims, and witness tickets, shall be received by the Sheriff and County Treasurer, in any discharge of any execution, when the money is coming to the county; and the Treasurer's receipt shall be filed with the execution in the Clerk's office.

X. *And be it further enacted,* That if in any case, any of the persons above named, shall omit or neglect to settle with the Comptroller as by this act directed, the Comptroller shall issue a summons, countersigned by a Justice of the Peace, directing such officer or officers so neglecting to settle, to attend at a certain place and on a certain day, in order to settle his or their several accounts with the Comptroller; and if he refuses or neglects to attend, shall pay forty shillings for such refusal or neglect.

XI. *And be it further enacted,* That the Comptroller shall at the April Court in each and every year, make out a fair statement of the county finances, and report to the Court of said county, and one other copy to the County Treasurer, and he shall set up one other copy upon the wall of the court-house, in some public part of said house; and should he neglect or refuse, he shall be liable to pay fifty pounds for neglect or omission.

XII. *And be it further enacted,* That when any guard is called out to guard the jail, or any militia be called into the service of the county in any respect, the officer commanding, in all cases, shall prove his pay-roll before some Justice of the Peace, and it shall be countersigned by the Sheriff and the commanding officer of the regiment that ordered the men into service. The Comptroller shall audit his accounts and issue warrants on the Treasurer for each man's pay in a separate warrant, and file away his pay-roll and deliver the same over to the committee, to be kept in the Clerk's office: The Jailor shall also have his account adjusted in the same manner.

XIII. *And be it further enacted,* That the Comptroller and County Treasurer shall be allowed each of them not exceeding the sum of twenty-five pounds, and the Clerk shall be allowed not exceeding the sum of twenty pounds for his extra fees, and the Sheriff not exceeding the sum of forty pounds for his extra fees, and no more.

XIV. *And be it further enacted,* That all fines and forfeitures incurred by this act, shall be recovered before any jurisdiction having cognizance thereof; and all suits brought for poor or county monies, shall be in the name of the Chairman of the county respectively, and their successors in office.

CHAP. CXVII.

An Act to regulate the mode whereby settlements shall be made with delinquent Sheriffs and other officers, for monies due by them for county and parish taxes for the county of Anson.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Charles Vevion, James Hough, and David Cuthbertson be, and they are hereby appointed Commissioners, and vested with full power and authority to demand a settlement from all delinquent Sheriffs, County Trustees, Wardens of the Poor, Clerks of the County Court and other officers, from the first day of January, one thousand eight hundred and four, until the first day of January, one thousand eight hundred and twelve.

II. *And be it further enacted,* That the aforesaid Commissioners appointed by this act, shall at their first meeting after the first day of January next, issue summons, signed by them respectively, to all delinquent holders of monies as aforesaid, or in case of the death of any such officers, to their legal representatives, to appear before the said Commissioners, at a time and place therein specified, and render a true account of the appropriations of all monies by them collected or received during the before-mentioned period; and when any of the officers aforesaid shall have moved from the county of Anson, the Commissioners shall issue their summons to the Sheriff of any county within the State; but in case any such officer or officers shall be residents within the county of Anson, the summons as to him or them shall be directed to the Coroner thereof, whose duty it shall be to execute the same at least fifteen days previous to the meeting of the said Commissioners, and to make return at the time and place therein mentioned; for which they shall be allowed the same fees, and be subject to the same penalties for non-compliance, as if such process had issued from a Court of Record.

III. *And be it further enacted,* That it shall be the duty of the said Commissioners to procure all testimony, either oral or written, which may come within their knowledge, and for that purpose shall have the same power to compel the attendance of witnesses by subpoena, as is now exercised by Courts of Record within this State.

IV. *And be it further enacted,* That all subpoenas by them issued, shall be directed to the Coroner, whose duty it shall be to execute the same at least five days previous to the meeting of said Commissioners.

V. *And be it further enacted,* That at the first County Court which shall happen after the said Commissioners shall have completed their investigations. It shall be their duty to exhibit in open Court, a list of all balances due from any officer or officers, signed by the said Commissioners respectively; and it shall be the duty of the said Court, immediately after receiving the same, to require their Clerk to issue, in the name of the Chairman, a scire facias or scire facias to such delinquent officer or officers and their respective securities, directed to the Sheriff of the county wherein such delinquent shall reside; but in case the said scire facias shall be issued against the Sheriff for the time being, then it shall be the duty of the Clerk to issue the same to the Coroner of the county, requiring such delinquent or delinquents to appear at the next ensuing term, to shew cause why judgment shall not be rendered against him or them for the amount reported by said Commissioners; and if on the service and return of such process, the defendant or defendants shall fail to appear and make defence, final judgment by default shall be

entered; and in every case the report of the Commissioners shall be prima facie evidence, on which the said Court shall give judgment, unless it shall be rebutted by evidence on the part of the defendant or defendants. 1811

VI. *And be it further enacted*, That it shall be the duty of the Attorney, acting on behalf of the State for said county, to prosecute all suits instituted under this act, who shall be allowed the same fees as in other cases of scire facias; and no process issuing under this act, shall be abated or set aside for any informality.

VII. *And be it further enacted*, That each of the said Commissioners shall be allowed the sum of twenty shillings for all and every day they shall be necessarily employed in the investigation, provided they shall not exceed six days, to be paid in the same manner as other county charges are paid; and the Sheriffs and Coroners serving process pursuant to this act, shall be paid in like manner.

CHAP. CXVIII.

An Act to provide for building a new Gaol in the town of Lincolnton, in the county of Lincoln.

WHEREAS the present Gaol in said town of Lincolnton is unfit for the reception and safe-keeping of criminals: *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the County Court, (a majority of the acting Justices being present,) at the first Court to be held after the first day of April next, to set apart some spot of ground where the Gaol shall be built, on the public square or elsewhere within the limits of said town, as they may deem most expedient, and make out an order, directed to the Commissioners of Public Buildings, hereafter by this act appointed.

II. *And be it further enacted*, That Joseph Graham, Peter Forney, John Wilfong, Andrew Hoyle, and Vardery M'Bee, be, and they are hereby appointed Commissioners of Public Buildings for the county of Lincoln, and they are hereby directed to contract with some person or persons to supply materials and to build a new Gaol on the public square in said town, or on such other place within the limits of said town, as a majority of the acting Justices may direct, and of such dimensions as a majority of the Commissioners may think proper; and when the expence thereof shall be ascertained, they shall certify the same to the County Court.

III. *And be it further enacted*, That it shall be the duty of the said County Court (a majority being present) immediately to proceed to lay a tax from year to year, for the purpose of defraying said expence, not exceeding two shillings on each and every poll, and not exceeding eight pence on every hundred acres of land, two shillings on every hundred pounds value of town property, and not exceeding forty shillings on every tavern, and not exceeding fifty shillings on every store, and not exceeding the price of the season of one mare on all stud horses, to be collected and accounted for at the same time, and in the same manner, and by the same persons that collect the publick tax, and to be paid into the hands of the Treasurer of Public Buildings of said county.

IV. *And be it further enacted*, That the Commissioners aforesaid are authorised and empowered to sell the present Gaol at auction, on a credit of twelve months, and the money arising therefrom to be appropriated towards building the new Gaol.

V. *And be it further enacted*, That the Commissioners aforesaid, when the business is completed, shall lay a fair and full statement of their trouble and expence before said County Court, who are hereby authorised to allow them a reasonable compensation for their trouble, to be paid out of the money arising out of said tax.

VI. *And be it further enacted*, That all laws and clauses of laws which come within the meaning and purview of this act, are hereby repealed and made void.

CHAP. CXIX.

An Act authorising the County Court of Buncombe to lay a tax to encourage the destruction of Wolves in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for the County Court of Buncombe to lay such a tax on the inhabitants of said county as they may deem expedient, for the purpose of destroying the wolves in said county; which tax shall be levied, collected and accounted for in the same manner, and subject to the same rules, regulations and restrictions as other taxes.

II. *And be it further enacted*, That after the passing of this act, any person or persons living in said county, who will produce the scalp or scalps of a wolf or wolves, which he or they will make oath before any Justice of the Peace for said county, that he or they killed the same in said county subsequent to the passing of this act, then and in that case it shall be the duty of said Magistrate to give the person or persons so making oath, a certificate, specifying the wolf or wolves so killed, and whether grown or not.

III. *And be it further enacted*, That any person or persons who may obtain such a certificate as aforesaid, may produce it to the County Trustee for said county, who is hereby directed and required to take up the same, by paying for each grown wolf killed and specified as a wolf, the sum of twenty shillings, and for each young wolf, the sum of fifteen shillings; and said Trustee shall be allowed for these certificates in his settlement with the County Court aforesaid.

CHAP. CXX.

An Act to incorporate Perseverance Lodge, No. 59, in the town of Plymouth, in the county of Washington.

BE it enacted by the General Assembly of the State of North-Carolina, That the Master, Wardens and Members of Perseverance Lodge, No. 59, in the town of Plymouth, in the county of Washington, be, and the same are hereby created a body politic and corporate, by the name of Perseverance Lodge, No. 59; by which name they may sue and be sued, implead and be impleaded, take, hold, alien and dispose of property, and have continual succession and a common seal.

II. *And be it further enacted*, That the said body corporate may make all such bye-laws for their own government as they may deem necessary—*Provided*, the same do not contravene the Constitution and Laws of this State or of the United States.

CHAP. CXXI.

An Act for the temporary appointment of a Clerk for the Court of Pleas and Quarter Sessions for the County of Wake.

WHEREAS the office of the Clerk of the Court of Pleas and Quarter Sessions for the county of Wake hath become vacant since the last term of said Court, by the resignation of the late Clerk thereof, and there being no provision by law for supplying such place in the recess of the Courts: For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Justices of the Peace for the County of Wake, or not less than eleven of them at least, to convene at the court-house in the city of Raleigh on the 21st day of the present month (December) or within ten days thereafter, then and there to elect and appoint, by a majority of the Justices so convened, some fit person to hold the office of Clerk of said Court, until the first day of the next succeeding term thereof; and the Clerk so chosen shall give bond for the faithful performance of his duties in office; and shall be subject to the same penalties and entitled to the same rights and emoluments during his said temporary appointment, as are prescribed by law relatively to Clerks of such Courts.

II. *And be it further enacted*, That this act shall take effect from and after the passing thereof.

CHAP. CXXII.

An Act to restore Joel Senter, of Lincoln county, to citizenship, who was convicted of Petit Larceny.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Joel Senter, of Lincoln county, be restored to citizenship in as

1811 full and ample a manner to all intents and purposes as if he had never been convicted of any crime whatsoever: And the said Senter shall be admitted as a competent witness in all Courts of record in this state; any law to the contrary notwithstanding.

CHAP. CXXIII.

An Act to exempt Willis Wills, of the County of Orange, from the payment of public taxes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Willis Wills be, and he hereby is exempted and freed from the payment of all taxes, either on his person or property, either real or personal, to which he might hereafter be liable had this law never been passed.

CHAP. CXXIV.

An Act declaring how certain monies in the county of Haywood shall be appropriated.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all monies arising from the sale of town lots in said county, in the town of Waynesville by the Commissioners thereof, over and above what is sufficient to defray the expence of the public buildings of said county; and all monies collected by virtue of a tax laid by the seventh section of an act entitled "An act erecting the west part of Buncombe into a separate and distinct county, and also a part of Brunswick and a part of Bladen Counties into a separate and distinct county," which have not heretofore been otherwise appropriated, shall be paid over to the County Trustee of said county of Haywood, and shall by him be applied and accounted for as other county taxes of said county: Any law heretofore passed to the contrary notwithstanding.

CHAP. CXXV.

An Act to repeal an act, entitled "An act for the relief of William Ginnour of the town of Halifax," passed at Raleigh in the year one thousand eight hundred and ten.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the above recited act be repealed and made void.

CHAP. CXXVI.

An Act directing how patrollers shall in future be appointed in Mecklenburg County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the commissioned officers of each militia company in the county of Mecklenburg (whose brands are allotted off) at each company muster, to appoint as Patrollers such number of fit persons as they may think proper, not exceeding six for each company, whose duty it shall be to perform and do all the duties enjoined by law on patrollers until the succeeding company muster.

CHAP. CXXVII.

An Act to authorize John Lynn, of Lincoln county, to retail spirituous liquors in said county, free from taxes for the same.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, John Lynn, of the county of Lincoln, be, and he is hereby authorized to retail spirituous liquors in the county of Lincoln free from the payment of any tax for the same.

CHAP. CXXVIII.

An Act to restore the privileges of a citizen to Jesse Robinett and Michael M'Dowell of the county of Wilkes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the privileges of a citizen be and is hereby restored respectively to Jesse Robinett and Michael M'Dowell of the county of Wilkes; and they are hereby declared to be able and capable in law to depose and testify in all cases where the same may be necessary, in as full and ample a manner to all intents and purposes as if they, the said Jesse Robinett and Michael M'Dowell, had never been convicted of the crime of conspiracy and false imprisonment.

CHAP. CXXIX.

An Act authorising the County Court of Jones to appoint a proper person to transcribe such of the records in the Register's office as the Court may deem necessary.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Jones, after examining the records belonging to the Register's office of said county, shall have full power and authority, if they should deem it necessary, to appoint a capable person to transcribe a part or the whole of said books, and allow him such sum for so doing, out of the county tax, as may be a adequate to his time and trouble; which appointment shall be made by a majority of the acting Justices of said county.

II. And be it further enacted, That after the said records shall be transcribed in books well bound and procured for that purpose, the said transcripts in said books, after the same shall be inspected by persons appointed by the said court, and by the said court approved, shall be and they are hereby declared to be as valid to all intents and purposes as the originals; and transcripts and copies thereof shall be received in evidence in as full and ample manner as copies and transcripts from said originals.

CHAP. CXXX.

An Act empowering the County Court of Robeson to lay and collect an additional tax.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of defraying the contingent charges of Robeson county, the court of pleas and quarter-sessions of said county be authorised to lay an additional tax, not exceeding one shilling on every poll, one shilling on every hundred pounds value of town property, and four pence on every hundred acres of land; which tax shall be collected and accounted for by the Sheriff of said county, in the same manner and under the same rules, regulations and restrictions as other county and public taxes are; any thing to the contrary notwithstanding.

CHAP. CXXXI.

An Act to authorise the County Court of Nash to appoint Commissioners to contract with some person or persons for building Public Houses on the public ground at Nash court house, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Nash, a majority of the acting Justices being present, be, and they are hereby authorised whenever they may deem it expedient, to appoint three commissioners, whose duty it shall be to contract with some person or persons for the building a public House or Houses on the public ground at Nash court house, in such manner as they may think most conducive to the interest of said county; and any quantity of ground may be appropriated to that purpose, not exceeding one acre and a half.

II. And be it further enacted, That the county court aforesaid, is hereby authorised to grant license for retailing spirituous liquors on the public ground aforesaid, to such persons, for such length of time, and under such rules, regulations and restrictions, as they may think proper to appoint and prescribe.

CHAP. CXXXII.

An Act to alter the mode of appointing Constables in the county of Wilkes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the persons composing each captain's company in the county of Wilkes, shall, at their company musters next proceeding the first day of May, in each and every year, appoint by ballot, one person in each company, proper to fill the office of Constable; when persons so elected, shall be recommended to the Justices of the county court, and by them commissioned as Constables for one year from the time of qualification, upon their entering into bond and security, in the manner now required by law; and no person shall after the first day of May next, be appointed a Constable in said county, unless he shall have been recommended in the manner herein prescribed; any law to the contrary notwithstanding.

CHAP. CXXXIII.

1811

An Act to authorize the County Court of Franklin to lay an additional tax for the purpose of building a Court-House in said County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Franklin, at their sessions next after the first day of January next, a majority of the Justices of said county being present, are hereby authorised to lay in addition to the taxes which they are now authorised to lay, a further tax, not exceeding two shillings on every poll, two shillings on every hundred pounds worth of town property, eight pence on every hundred acres of land, and the price of a season on every stud horse or jack-ass, kept for the purpose of covering mares; which tax shall be collected by the sheriff of said county by the same means, and in the same manner that other taxes are, before the first day of November next, and paid over by him under the direction of the county court to such person as they may appoint; and the monies to be collected by virtue of this act shall be appropriated to the building of a court-house in the county of Franklin.

CHAP. CXXXIV.

An act authorising and empowering Alfred Rowland, late sheriff of Robeson county, to make title to certain lands sold by him for the taxes due thereon to the purchasers thereof.

WHEREAS by virtue of his office Alfred Rowland, late Sheriff of Robeson county, sold certain lands in said county for the taxes due thereon, and did not before the expiration of his term of office, make and execute titles to the purchasers, one of whom is the present Sheriff of said county :

BE it therefore enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That Alfred Rowland, late sheriff of Robeson county, be, and he is hereby authorised, empowered and required to make, execute and deliver to Alexander Rowland, the present Sheriff of Robeson county, deeds of conveyance for all such laods as were by the said Alfred Rowland, during his sheriffly, sold for the taxes due thereon, and bid off at public sale by the said Alexander Rowland; and that the said conveyance or conveyances, when executed and delivered, shall have the same force and validity to pass the fee simple, as can be passed by sheriff's deeds; any law, usage or custom to the contrary notwithstanding—*Provided however,* That the persons claiming the aforesaid lands when they were sold for the said taxes, shall have the same time for the redemption, under the same rules, regulations and restrictions, and in the same manner, as is heretofore provided by law.

Read three times and ratified in General Assembly,
the 20th day of December, A.D. 1811.

J. RIDDICK, Speaker of the Senate.

J. STEELE, Speaker of the House of Commons.

A COPY—WILLIAM HILL, Secretary.

CONTENTS.

PUBLIC LAWS.

	Page
AN ACT to redeem the Paper Currency and establish a State Bank, amended,	1
Regulating the inspection of Flour,	3
To raise a revenue for 1812,	4
Directing the manner of appointing Electors, &c.	5
Further to regulate the Supreme Court,	ib
To regulate proceedings on presentments and indictments,	ib
Concerning the Mutual Insurance Society,	6
Of holding offices both under the State and general Governments,	ib
To amend the inspection laws,	ib
To compel Collectors to account for monies,	7
Of stealing notes, of passing counterfeits, &c. &c.	ib
To ratify an amendment to the U. States Constitution	8
To make the stealing of standing corn, cotton & rice, larceny,	ib
For perfecting titles to land in Tennessee,	9
Directing the issue of military land warrants, &c.	ib
To amend the Land Laws,	10
Fixing the age at which persons can dispose of chattels by will	ib
Declaring that Stills shall be personal estate,	ib
To regulate the collection of Clerk's and Sheriff's fees,	ib
To compel Sheriffs to account with Warden of the Poor and County Treasurer for unlisted property,	ib
Concerning County Trustees,	11
Extending the time of making surveys of land,	ib
Militia officers to fix places of musters,	21

PRIVATE LAWS.

Navigation.

To open the navigation of New River in Onslow	12
To open the navigation of Cape-Fear	ib
To incorporate a company to cut a canal from Roanoke to James river, or Dismal Swamp Canal	13
To open the navigation of Neuse river	18
To open a canal from Currituck Sound to the Atlantic Ocean,	19
Concerning the navigation of Goshea in Duplin county	ib
To connect the waters of Lockwood's Folly with Elizabeth river	20
To render navigable Newport river	ib
To render navigable Colly Swamp, in Bladen	ib
To incorporate the Broad River Navigation Company, &c.	21
Of felling timber in Uhara and Deep rivers	ib

Militia.

Empowering officers to alter the places of holding musters	ib
Regiments of Buncombe, Rutherford and Burke to be reviewed separately	22
Dividing the militia of Surry into two regiments	ib
Concerning a militia company in Wayne county	ib
Reviews of the cavalry of the 6th brigade	ib
To divide the militia of Guilford into two regiments	ib
To divide the militia of Stokes into two regiments	ib
To form another regiment in Cumberland county	23
To divide the first regiment of Rutherford	ib

Academies.

	Page
To establish the Euphronese Academy in Moore county	23
To establish an Academy in Mecklenburg	ib
To grant a lottery to Nutbush Mineral Spring Academy	24
To establish an Academy near Granville court-house	ib

Roads and Bridges.

For the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe	ib
Authorising Duncan M'Farland to open turnpike roads	25
Granting a lottery for a bridge over Uharie river	26
Granting a lottery for a bridge over Tar river	ib
Concerning a turnpike road in Buncombe	27
Vesting a right of a turnpike road in Perquimons	ib

Courts.

To alter the time of holding Carteret county court	ib
Concerning the county courts and jurors of Moore	ib
To regulate the county courts of Richmond	28
To regulate the county courts of Buncombe and Rutherford	ib
To alter the holding the county courts of Caswell	ib

Jurors and Witnesses.

Making compensation to talis-jurors in Robeson	ib
To provide for the payment of witnesses in Hyde	ib
Making additional compensation to witnesses in Halifax	ib
Directing the number of jurors for Lincoln and Mecklenburg	29
To exempt certain persons from juries in Hyde	ib
Concerning the compensation of jurors in Richmond	ib

Towns.

Regulating Wilmington and building a jail in New-Hanover	ib
Providing for a town at Granville court-house, &c.	30
For the better regulation of Fayetteville	31
Concerning the wards in the city of Raleigh	ib
To establish a town in the county of Wilkes	ib
To establish a town at Greene court-house	32
To establish a town in Surry county	ib
Appointing commissioners for Germanton	ib
Regulating the town of Edenton.	ib
Concerning Waynesborough, in Wayne county	33
Authorising taxes in Hillsborough	ib
Authorising a lottery to conduct water into Fayetteville	ib
Authorising a tax for building a markethouse in Beaufort town	34

Boundaries.

To establish dividing lines between Beaufort and Washington	ib
To alter the line between Surry and Stokes counties	ib
To extend the line between Burke and Iredell	ib
To annex part of Brunswick to Columbus	ib
To extend the line between Bladen and Columbus	ib

Poor.

County court of Columbus to choose wardens of the poor	35
To regulate overseers of the poor in Northampton county	ib
To establish a poor-house in the county of Orange	36
To establish a poor-house in the county of Tyrrel	ib

To empower the court of Chowan to lay an additional poor-tax	36
To empower the wardens of Halifax to lay & collect a poor-tax	ib

Fisheries.

Regulating the fisheries on Roanoke and Cashie	37
Regulating the fisheries on the waters emptying into the same	ib
To prevent obstructions to the passage of fish up Moyock creek	ib
Ditto in Mountain creek, in Rutherford	ib
To repeal an act for laying off the boundaries of the fisheries on Chowan river	ib
To prevent the throwing of fish-garbage into Frying-Pan, &c.	ib

Emancipation.

To emancipate certain persons therein mentioned	ib
Ditto ditto ditto	ib
To emancipate James, of Lenoir county	38
To emancipate a Negro called Silvia	ib

Divorce and Alimony.

To divorce Young Utley, of Wake, from his wife Polly	ib
To divorce Amos Dumas of Richmond from his wife Drusilla	ib
To divorce Elizabeth Bezzell from her husband I. Bezzell	ib
To secure to certain persons such property as they may acquire	ib
Ditto in favor of Leah Dudley	ib

Elections.

To alter the mode of holding elections in Edgecombe	39
How elections shall be conducted in Mecklenburg	ib
Amending the election Laws of Buncombe	ib
Establishing another place of election in Wake	40
Altering the place of one and establishing another election in Rutherford	ib
Altering the place of an election in Bladen	ib

Establishing another separate election in Rowan	40
Regulating elections in Sampson	ib
For fixing a place of election in Stokes	ib

Alteration of Names.

To alter the names of certain persons therein mentioned	41
To alter the names of George W. Boon, Albert Boon, &c.	ib
To alter the names of sundry persons therein mentioned, &c.	ib
To alter the name of Henry Irwin Burges, of Halifax county	ib

Miscellaneous.

To authorise the counties therein mentioned to elect a Comptroller and other officers, &c.	ib
To regulate the mode of settling with delinquent Sheriffs and other officers for county and parish taxes in Anson	42
To provide for building a new gaol in the town of Lincolnton	43
To encourage the destruction of wolves in Buncombe	ib
To incorporate Perseverance Lodge, in the town of Plymouth	ib
For the temporary appointment of a clerk for Wake C. Court	ib
To restore Joel Senter, of Lincoln county, to citizenship	ib
To exempt Willis Wills from the payment of public taxes	44
Declaring how certain monies in Haywood shall be appropriated	ib
To repeal an act for the relief of Wm. Gilmour of Halifax	ib
Directing how patrollers shall be appointed in Mecklenburg	ib
To authorise John Lynn to retail liquors free from taxes	ib
To restore citizenship to J. Robinett and Michael M'Dowell	ib
Authorising the C. Court of Jones to have records transcribed	ib
Empowering the court of Robeson to lay an additional tax	ib
Authorising the court of Nash to have public buildings erected	ib
To alter the mode of appointing constables in Wilkes county	ib
To authorise the court of Franklin to lay a tax to build a C. H.	45
Empowering Alfred Rowland to make title to certain lands	ib